

BEFORE THE  
CALIFORNIA WASTE MANAGEMENT BOARD  
FOR THE STATE OF CALIFORNIA

IN THE MATTER OF THE: )  
REGULAR MONTHLY BOARD MEETING ) MORNING SESSION  
JANUARY 26, 1989 )  
----- )

DATE AND TIME: THURSDAY, JANUARY 26, 1989, 9:00 A.M.

PLACE: BOARD HEARING ROOM  
1020 NINTH STREET  
SACRAMENTO, CALIFORNIA

REPORTER: BETH C. DRAIN, CSR  
CERTIFICATE NO. 7152

*Harristers'*  
*reporting service*

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701  
TELEPHONE (714) 953-4447

COPIED  
Y900

11/10/20

## APPEARANCES

MR. JOHN E. GALLAGHER, CHAIRMAN  
MR. JOHN C. MOSCONE  
MR. SAM ARAKALIAN  
MR. PHILLIP BEAUTROW  
MRS. GINGER BREMBERG  
MR. E. L. VARNER (NOT PRESENT)  
MR. LES BROWN  
MR. JAMES W. CALLOWAY

## STAFF PRESENT

MR. GEORGE T. EOWAN, CHIEF EXECUTIVE OFFICER  
MR. HERBERT IWAHIRO, CHIEF DEPUTY EXECUTIVE OFFICER  
MR. ALAN OLDALL, DEPUTY EXECUTIVE OFFICER  
MS. JOELLEN JACKSON, DIRECTOR OF LEGISLATION  
AND PUBLIC AFFAIRS  
MR. ROBERT F. CONHEIM, GENERAL COUNSEL

MR. BILL ORR  
MS. CAREN TRGOVCICH  
MR. FINCH  
MR. DAVE VOLDEN  
MS. KIM SCHWAB  
MR. STEVEN AULT  
MR. DON DIER  
MR. CY ARMSTRONG  
MR. JESS ADAMS  
MR. BERNIE VLACH  
MS. SHARON ANDERSON  
MR. JOHN BELL  
MR. PAUL FORSBERG  
MR. JOHN SMITH

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

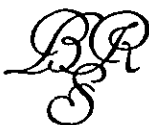


*barristers'*  
*reporting service*

## I N D E X

	<u>PAGE</u> <u>NO.</u>
CALL TO ORDER	4
ITEM NO. 1: DISCUSSION OF DRAFT REGULATIONS	
MR. IWAHIRO	5, 84
MR. ORR	7, 28, 38, 70
MS. TRGOVCICH	24, 89
MR. FINCH	31, 62, 72
MR. VOLDEN	36, 84, 90
MS. SCHWAB	41, 63
MR. EDGAR, KERN COUNTY	54, 95
QUESTION AND COMMENTS:	
MS. BREMBERG	10, 30, 33, 37, 41, 43, 53, 61, 65, 68, 86
MR. BEAUTROW	11, 15, 50, 65 81, 92
MR. MOSCONE	12, 18, 30, 36, 47, 58, 75, 94
MR. BROWN	22, 77
CHAIRMAN GALLAGHER	22, 27, 38
MR. ARAKALIAN	25
MR. CALLOWAY	49, 94
ITEM NO. 2: CONSIDERATION OF APPROVAL OF AN AMENDMENT TO THE ORANGE COUNTY SOLID WASTE MANAGEMENT PLAN.	
MR. OLDALL	96
MR. AULT	96
BOARD ACTION	99

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701LOS ANGELES   ORANGE COUNTY   SAN DIEGO  
213-622-8511   714-953-4447   619-455-1997
*barristers'*  
*reporting service*

ITEM 8: CONSIDERATION OF DETERMINATION OF  
CONFORMANCE AND CONCURRENCE IN A SOLID WASTE FACILITIES  
PERMIT FOR THE CITY OF NEWPORT BEACH TRANSFER STATION,  
ORANGE COUNTY.

MR. OLDALL	99
MR. DIER	99, 104
MR. AULT	100
MR. NIEDERHAUS	105

QUESTIONS AND COMMENTS:

MR. BEAUTROW	102
--------------	-----

BOARD ACTION	106
--------------	-----

ITEM NO. 4: CONSIDERATION OF ACCEPTANCE OF THE  
LAKE COUNTY SOLID WASTE MANAGEMENT PLAN REVIEW REPORT.

MR. OLDALL	106
MR. ARMSTRONG	106
MR. JERRY SHAUL	110

QUESTIONS AND COMMENTS:

MR. MOSCONE	109
-------------	-----

BOARD ACTION	111
--------------	-----

ITEM NO. 5: CONSIDERATION OF ACCEPTANCE OF THE TUOLUMNE  
COUNTY SOLID WASTE MANAGEMENT PLAN REVIEW REPORT.

MR. OLDALL	111
MR. ARMSTRONG	111
MR. KEN PERKINS	115

QUESTIONS AND COMMENTS:

MR. MOSCONE	116
MS. BREMBERG	117

BOARD ACTION	118
--------------	-----



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511	ORANGE COUNTY 714-953-4447	SAN DIEGO 619-455-1997
-----------------------------	-------------------------------	---------------------------

*barristers'*  
*reporting service*

ITEM NO. 7: CONSIDERATION OF CONCURRENCE IN  
ISSUANCE OF A MODIFIED SOLID WASTE FACILITIES PERMIT FOR  
NEWBY ISLAND LANDFILL, SANTA CLARA COUNTY.

MR. OLDALL	118
MR. IWAHIRO	119, 128
MR. ADAMS	119
MR. GRAVAGE	126

QUESTIONS AND COMMENTS:

MR. ARAKALIAN	121, 125
MR. BEAUTROW	123, 129

BOARD ACTION	131
--------------	-----

ITEM NO. 17: CONSIDERATION OF REVISION OF SOLID  
WASTE FACILITIES PERMIT FOR GUERNEVILLE SOLID WASTE  
DISPOSAL SITE, SONOMA COUNTY.

MR. IWAHIRO	131
-------------	-----

QUESTIONS AND COMMENTS:

MS. BREMBERG	132, 136
MR. CALLOWAY	133, 136
MR. MOSCONE	136

ITEM NO. 18: CONSIDERATION OF APPROVAL OF  
GUIDANCE DOCUMENTS AND FORMS PERMITTING AND ENGINEERING  
REVIEW PROCESS.

MR. IWAHIRO	137
MR. VLACH	138
MS. ANDERSON	147, 153
MR. DIER	151
MR. SAMANIEGO	158

QUESTIONS AND COMMENTS:

MR. BEAUTROW	145, 155
MR. MOSCONE	149, 155, 157, 159

BOARD ACTION	160
--------------	-----



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

*Harristers'*  
*reporting service*

ITEM NO. 19: CONSIDERATION OF WAIVING DAILY  
COVER REQUIREMENTS AT THE WEST CONTRA COSTA LANDFILL,  
CONTRA COSTA COUNTY, FOR THE PURPOSE OF TESTING AN  
EXPERIMENTAL PROCESS UTILIZING AUTO SHREDDER FLUFF.

MR. IWAHIRO	160
MR. BELL	161, 167
MR. FORSBERG	164
MR. BURCH	171, 201
MR. MADDEN	180
MR. BLAKE	190
MS. LEVINE	195

QUESTIONS AND COMMENTS:

MS. BREMBERG	169, 193, 195
MR. BEAUTROW	170, 191, 202
MR. MOSCONE	172, 205
MR. ARAKALIAN	176, 185, 187, 200
MR. BROWN	186, 192
MR. CALLOWAY	188, 197, 202

BOARD ACTION 207

ITEM NO. 6: STATUS OF COUNTY SOLID WASTE  
MANAGEMENT PLANS.

MR. OLDALL	208
MR. SMITH	208
MR. CONHEIM	210
MAYOR PARENT	212
MR. STUART	218
SUPERVISOR FADDEN	222

QUESTIONS AND COMMENTS:

MR. BROWN	217, 221
CLOSED SESSION	228
REPORTER'S CERTIFICATE	229



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

JANUARY 26, 1989

CALIFORNIA WASTE MANAGEMENT BOARD

CHAIRMAN GALLAGHER: CALL THE MEETING OF THE CALIFORNIA WASTE MANAGEMENT BOARD TO ORDER. WELCOME TO OUR FIRST MEETING OF 1989 AND HAPPY NEW YEAR TO ALL OF YOU. THANK YOU FOR COMING.

WE'VE HAD A NUMBER OF REQUESTED CHANGES IN THE AGENDA. GEORGE, DO YOU WANT TO GO OVER THOSE FOR THE BENEFIT OF OUR GUESTS OUT IN THE PUBLIC AND FOR THE BOARD.

MR. EOWAN: THANK YOU, MR. CHAIRMAN. GOOD MORNING, MEMBERS. I'LL SEE IF I CAN DO THIS SIMPLY. I'LL GIVE YOU THE FRIDAY DATES ON THE FRIDAY ITEMS, AND I THINK THAT WILL PRETTY MUCH SOLVE EVERYTHING.

FOR FRIDAY WE'D LIKE TO HAVE ITEMS 2 AND 3 AND 6, 8, AND 10 THROUGH 16, BEING THE 11 THROUGH 16 ARE FROM THE SAME COUNTY, AND THEY CAN ONLY MAKE IT HERE TOMORROW. AND THEN DELETING ITEMS 9 AND 20. EVERYTHING ELSE WE'LL TRY AND HEAR TODAY, ALL THINGS GOING WELL.

CHAIRMAN GALLAGHER: THERE IS ONE ADDITIONAL ITEM. CHAIR WILL ADJOURN THE MEETING IN TIME FOR THIS BOARD TO HOLD A CLOSED SESSION AT THE LATE PART OF THE AFTERNOON TO DISCUSS LITIGATION AND PERSONNEL PROBLEMS.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*



1 SO WITH THAT, WE'RE READY FOR ITEM 1.

2 MR. IWAHIRO: YES, MR. CHAIRMAN. I THINK MOST  
3 OF YOU ARE AWARE THAT IN 2448 THERE'S A REQUIREMENT FOR A  
4 CLOSURE PLAN AND FOR THE SUBMITTAL OF THAT CLOSURE PLAN  
5 TO THE BOARD FOR APPROVAL, AND THIS IS THAT AT SPECIFIED  
6 TIMES WE'RE REQUIRED TO DEVELOP REGULATIONS REGARDING HOW  
7 CLOSURE PLANS SHOULD BE DEVELOPED AND ALSO THE PROCESSING  
8 OF THAT PLAN, AND THAT THOSE REGULATIONS ARE REQUIRED TO  
9 BE ADOPTED BY -- ON AN EMERGENCY BASIS BY JUNE 31 -- JULY  
10 1ST.

11 I THINK YOU WILL ALSO RECALL THAT A FEW  
12 MONTHS AGO WE DID BRING TO THIS BOARD A KIND OF A PAPER  
13 THAT SHOWED THE DIRECTION AS TO HOW THESE REGULATIONS  
14 SHOULD BE DEVELOPED, AND YOU COMMENTED ON THOSE AND GAVE  
15 US FURTHER DIRECTION. WE TOOK THOSE AND ALSO BROUGHT  
16 THEM OUT TO TWO WORKSHOPS, ONE IN THE SOUTH AND ONE UP  
17 HERE IN SACRAMENTO, TO WORK WITH LEA'S AND OPERATORS ON  
18 MORE OR LESS -- THEY WEREN'T EXACTLY REGULATIONS, THEY  
19 WERE DIRECTIONS, CONCEPTS AS TO HOW THESE REGULATIONS  
20 SHOULD BE DEVELOPED AND WORDED.

21 NOW, AT THIS TIME WE HAVE TAKEN THE  
22 DIRECTION OF THE BOARD AND COMMENTS FROM THE PUBLIC AND  
23 THE OPERATORS AND LEA'S AND THE WORKSHOPS, AND TRIED TO  
24 DEVELOP MORE SPECIFIC WORDING ON THESE REGULATIONS. AND  
25 YOU WILL FIND THEM UNDER THE TABS 1(A) FOR THE STANDARDS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

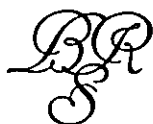
1 FOR DISPOSAL SITE CLOSURE AND POSTCLOSURE AND THEN 1(B)  
2 FOR THE PROCESS FOR APPLICATION AND FOR APPROVAL OF THESE  
3 PLANS.

4 I MIGHT MENTION THAT FURTHER ON, IN A MONTH  
5 OR TWO, WE'LL BE GOING INTO THE FORMAL OAL PROCESS, AND  
6 AT THAT TIME WE'LL HAVE MORE FORMAL TYPE OF HEARINGS AND  
7 COMMENT PERIOD WHICH WILL HAVE A SPECIFIED TIME.

8 AT THIS POINT WE'RE KIND OF A WORKSHOP  
9 SESSION FOR THESE PROPOSED REGULATIONS. WE'LL ALSO BE  
10 ASKING FOR COMMENTS FROM THE PUBLIC AND OPERATORS AND THE  
11 LEA'S AND WHATNOT, AND HOPE TO HAVE THOSE BY THE END OF  
12 NEXT MONTH SO THAT WE CAN COME BACK TO YOU IN THE OAL  
13 PROCESS LATER ON.

14 SO TODAY -- AGAIN, THIS IS, I THINK, THE  
15 FIRST TIME WE WILL HAVE MORE OR LESS DEFINITIVE LANGUAGE,  
16 AS CLOSE AS WE CAN, REFLECTING ON MANY OF THE COMMENTS  
17 THAT YOU HAVE MADE AND MANY OF THE COMMENTS THAT OTHERS  
18 HAVE MADE.

19 BILL ORR AND HIS PEOPLE ARE READY TO GO  
20 THROUGH THIS PAGE BY PAGE -- NOT WORD BY WORD, OF COURSE,  
21 BUT PAGE BY PAGE -- AND GIVE YOU A FLAVOR OF WHAT THESE  
22 SAY. AND ON ANY SPECIFICS, HE CAN GIVE YOU THE SPECIFICS  
23 OF HOW THESE WOULD OPERATE, WHAT THE IDEA BEHIND THESE  
24 THINGS ARE. SO WITH THAT, I'LL HAND IT OVER TO BILL ORR.  
25 FOR FURTHER QUESTIONS, WE CAN TRY TO ANSWER, HOWEVER,



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

1 RIGHT NOW, ESPECIALLY ON THE PROCESS HERE.

2 MR. ORR: GOOD MORNING, MR. CHAIRMAN AND BOARD  
3 MEMBERS. AS MR. IWAHIRO MENTIONED, WE'VE BEEN INVOLVED  
4 NOT ONLY WITH -- IN DIFFERENT FORMS WITH THE PUBLIC,  
5 WE'VE ALSO HAD SMALL GROUP MEETINGS ON SPECIFIC TOPICS.  
6 AND WE'VE ALSO BEEN DOING A LOT OF RESEARCH INTO THE  
7 INDIVIDUAL AREAS THAT HAVE BEEN ASSIGNED TO THE STAFF  
8 PEOPLE, AND THEY'LL BE TALKING ABOUT THAT IN DETAIL TO  
9 YOU FOR EACH SECTION.

10 I WOULD LIKE TO SORT OF TALK BRIEFLY ABOUT  
11 HOW WE APPROACHED THE OVERALL STRUCTURE OF THE  
12 REGULATIONS. THE FIRST THING THAT WE'VE ATTEMPTED TO  
13 INCORPORATE IS A PERFORMANCE ORIENTATION, A PERFORMANCE  
14 STANDARD ORIENTATION. AND AS YOU SEE SOME OF THE  
15 INDIVIDUAL STANDARDS, WHAT WE'VE ATTEMPTED TO DO IS SET  
16 OUT A LEVEL OF PERFORMANCE THAT WE ARE EXPECTING, THEN  
17 GIVE A METHOD FOR THE OPERATOR TO ANALYZE THEIR SITE AND  
18 THE DESIGN OF THAT FACILITY TO ACHIEVE THAT DESIGN.

19 AND, HOPEFULLY, BY DOING THAT, WE'LL GIVE  
20 THE OPERATORS THE MAXIMUM FLEXIBILITY IN USING THE  
21 SITE-SPECIFIC MATERIALS AND THE KNOWLEDGE OF THAT  
22 PARTICULAR FACILITY TO MEET THE OVERALL PERFORMANCE TO  
23 PROTECT PUBLIC HEALTH AND SAFETY IN THE ENVIRONMENT.

24 THE SECOND THING THAT WE'VE ATTEMPTED TO DO  
25 IS DO THIS IN SUCH A MANNER THAT THE OPERATOR CAN ACHIEVE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

1 BOTH SUBCHAPTER 15'S PRESCRIPTIVE ORIENTATION AND OUR  
2 PERFORMANCE ORIENTATION AS MUCH AS POSSIBLE. HOPEFULLY,  
3 THIS WILL EASE THE BURDEN ON THE OPERATORS AND THE STAFF  
4 OF THE BOARD, THE LEA, AND THE REGIONAL BOARDS AS WELL  
5 BECAUSE WE'LL BE ABLE TO DEAL WITH EVERYTHING AS ONE  
6 INTEGRATED PROGRAM, AND THAT YOU WON'T BE HAVING TO  
7 DESIGN IT ONE WAY FOR ONE AGENCY AND ANOTHER WAY FOR  
8 ANOTHER AGENCY.

9 SO WE'LL BE TALKING ABOUT IN THE INDIVIDUAL  
10 STANDARDS HOW WE'RE HOPING TO COORDINATE THIS EFFORT  
11 ADMINISTRATIVELY AND THROUGH THE REGULATIONS AS WE GO  
12 THROUGH THAT TODAY.

13 MR. IWAHIRO: BEFORE BILL STARTS, I BELIEVE WE  
14 HAVE COPIES OF ALL THIS INFORMATION WE'RE GOING TO GO  
15 OVER IN THE BACK.

16 MR. ORR: THERE ARE COPIES FOR THE PEOPLE OUT  
17 THERE ON THE BACK TABLE TO PICK UP, AND THEY CAN FOLLOW  
18 ALONG WITH THE BOARD PACKET AS WELL.

19 THE FIRST MAJOR AREA THAT WE'VE ACTUALLY  
20 DEVELOPED LANGUAGE IN SINCE WE LAST SPOKE ABOUT THESE  
21 REGULATIONS HAS BEEN IN THE AREA OF DEFINITIONS. AND I  
22 WOULD LIKE TO HIGHLIGHT A COUPLE OF THE AREAS OF  
23 DEFINITIONS THAT WE HAVE COME UP WITH STARTING ON PAGE 5  
24 OF THE BOARD PACKET.

25 AT THE WORKSHOPS AND THE LAST TIME WE CAME



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

1 TO THE BOARD, WE HAD A LIST OF WORDS THAT WE WERE  
2 INTENDING ON DEFINING, AND NOW WE'VE ACTUALLY DEFINED  
3 THOSE WORDS AND OTHER WORDS THAT IN THE PROCESS OF  
4 DEVELOPING THE REGULATIONS WE FOUND NEED TO BE DEFINED  
5 FOR CLARITY.

6 THE FIRST AREA OF DEFINITIONS HAS TO DO  
7 WITH SITE STATUS. CURRENTLY, THERE IS -- IN THE SOLID  
8 WASTE INFORMATION SYSTEM, WE TRACK THE STATUS OF A  
9 FACILITY AS BEING ACTIVE OR INACTIVE OR CLOSED; BUT THERE  
10 REALLY ISN'T A REGULATORY MEANING THAT GOES ALONG WITH  
11 THAT PARTICULAR STATUS. WE'RE HOPING, IN PART, TO BUILD  
12 ON THAT AS WELL AS BUILD ON THE REQUIREMENTS OF THE LAW  
13 THAT THIS PROGRAM APPLIES TO OPERATING LANDFILLS THAT  
14 HAVE BEEN OPERATING AFTER JANUARY 1ST OF 1988.

15 THE FIRST DEFINITION FOR ABANDONED WOULD  
16 REFLECT ONE OF THOSE TYPES OF ACTIVITY STATUS; AND,  
17 ESSENTIALLY, IT IS A FACILITY THAT HASN'T BEEN PROPERLY  
18 CLOSED AND THERE IS NO INTENTION TO RESUME OPERATION.

19 ANOTHER ONE OF THOSE WOULD BE INACTIVE,  
20 WHICH IS ON THE BOTTOM OF PAGE 7, WHICH WOULD BE AN  
21 INTENTIONAL PERIOD FOLLOWING THE INITIAL RECEIPT OF WASTE  
22 WHEN A LANDFILL IS NOT OPERATING FOR A SPECIFIED PERIOD  
23 OR UNDER A CERTAIN SPECIFIED SET OF CONDITIONS.

24 THE IDEA HERE IS THAT WE'RE ATTEMPTING TO  
25 ELIMINATE THE USE OF INACTIVE SITE STATUS AS A WAY OF NOT

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*

1 PROPERLY CLOSING THE LANDFILL. THERE HAVE BEEN A NUMBER  
2 OF LANDFILLS THAT HAVE SAT OUT THERE FOR MANY YEARS BEING  
3 INACTIVE AND ARE NOT REALLY INTENDING TO RESUME  
4 OPERATION, BUT THEY'RE NOT UNDERGOING CLOSURE UNDER  
5 WHATEVER THE APPLICABLE REGULATIONS WOULD BE.

6 NOW, FOR FACILITIES THAT HAVE NOT OPERATED  
7 SINCE JANUARY 1ST OF 1988, THEY WOULD NOT BE SUBJECT TO  
8 THESE NEW REQUIREMENTS IN THIS SECTION. HOWEVER,  
9 INACTIVE FACILITIES STILL WOULD BE REQUIRED TO CLOSE  
10 UNDER THE REGULATIONS THAT ARE CURRENTLY APPLICABLE TO  
11 THEM, AND THERE ARE A NUMBER THAT WE'RE MOVING AROUND  
12 NOW; FOR EXAMPLE, FINAL COVER AND GAS CONTROL AND SO  
13 FORTH, THAT WOULD APPLY TO THESE FACILITIES CURRENTLY.

14 AND SO WHAT THIS DEFINITION TRIES TO DO IS  
15 DEAL WITH BOTH THE INACTIVE FACILITIES THAT ARE NOT  
16 SUBJECT TO THE ENTIRE PROVISIONS OF AB 2448 AND FOR  
17 INACTIVE SITES IN THE FUTURE.

18 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

19 CHAIRMAN GALLAGHER: MS. BREMBERG.

20 BOARD MEMBER BREMBERG: BILL, WHAT IS TO STOP  
21 SOMEONE FROM SAYING THERE IS AN INTENT TO RESUME  
22 OPERATION?

23 MR. ORR: WELL, IN THE DEFINITION THERE IS NOT,  
24 BUT WHAT WOULD GO ALONG WITH THIS IS AN ACTUAL STANDARD  
25 THAT WOULD ESTABLISH CRITERIA FOR INACTIVITY.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1 BOARD MEMBER BREMBERG: WHY DON'T YOU  
2 REFERENCE -- WHAT I'M SAYING IS WHY DON'T YOU JUST  
3 QUIETLY REFERENCE THE OTHER STANDARDS BECAUSE YOU AND I  
4 BOTH KNOW THAT NOT EVERYBODY READS ALL OF THE  
5 REGULATIONS; AND IF THEY LOOKING FOR A DEFINITION OR A  
6 WAY OUT, THAT MIGHT PROVIDE IT.

7 MR. ORR: RIGHT.

8 BOARD MEMBER BREMBERG: DOESN'T COST THAT MUCH  
9 MORE TO ADD A FEW WORDS AND TIGHTEN IT.

10 CHAIRMAN GALLAGHER: MR. BEAUTROW.

11 BOARD MEMBER BEAUTROW: BILL, WHAT ABOUT -- THIS  
12 IS A CASE WHERE YOU HAVE A BIG LANDFILL, AND IT'S IN  
13 PHASES AND THEY'RE GOING TO FINISH ONE PHASE AND MOVE ON  
14 TO THE NEXT. THIS INACTIVE ASPECT, DOES THAT APPLY?

15 LET ME GIVE YOU -- I MEAN, A REAL PRACTICAL  
16 ASPECT OF IT IS WHERE THEY DON'T WANT TO ACTUALLY SAY  
17 THEY'RE CLOSING OUT A PIECE OF THE LANDFILL TO GO INTO  
18 THE CLOSURE, BUT THEY WANT TO DO THE WHOLE THING OVER A  
19 PERIOD OF TIME. HOW DOES THAT WORK WITH A PHASING THING,  
20 BUT IT'S ALL PART OF THE SAME LANDFILL?

21 MR. ORR: SURE. I THINK THAT WHAT WOULD BE IN  
22 THE CRITERIA FOR INACTIVITY WOULD BE, FOR EXAMPLE, THAT  
23 THAT AREA THAT WAS INACTIVE WITHIN A FACILITY, THAT WOULD  
24 BE AN INTENTIONAL THING. AND IF THAT WAS YOUR PLAN FOR  
25 DEVELOPING YOUR SITE, YOU WOULD SAY THAT WE'RE GOING TO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 DEVELOP A SITE IN THIS MANNER, AND WE'VE COMPLETED THIS  
2 AREA. AND SO THE CIRCUMSTANCES ARE KNOWN AND THE ACTUAL  
3 TIME OF CLOSURE WOULD BE KNOWN. AND AT THAT POINT IN  
4 TIME, IT WOULD GO FROM BEING AN INACTIVE PORTION TO  
5 CLOSING.

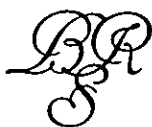
6 NOW, IN ORDER FOR IT TO BE IN THAT INACTIVE  
7 STATUS, IT WOULD HAVE TO BE IN COMPLIANCE WITH  
8 REGULATIONS THAT WOULD GOVERN THAT INACTIVITY, FOR  
9 EXAMPLE. RIGHT NOW WE HAVE A STANDARD FOR INTERMEDIATE  
10 COVER. IF A SECTION OF A LANDFILL WAS GOING TO BE  
11 INACTIVE FOR AN EXTENDED PERIOD OF TIME, THEN IT WOULD  
12 HAVE TO BE IN COMPLIANCE WITH THAT INTERMEDIATE COVER  
13 STANDARD.

14 AND SO YOU WOULD EITHER SAY, WELL, WE PLAN  
15 ON CLOSING THAT, SAY, IN FIVE YEARS, OR WE PLAN ON  
16 CLOSING THIS FACILITY AT SOME PERIOD SO THAT THE  
17 CONDITIONS WOULD BE KNOWN. IT'S NOT JUST A FACILITY  
18 THAT'S, YOU KNOW, THAT'S TOTALLY INACTIVE. IT'S NOT AN  
19 INACTIVE PORTION, BUT IT REFLECTS THE OVERALL STATUS OF  
20 THE FACILITY.

21 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

22 CHAIRMAN GALLAGHER: YES, MR. MOSCONE.

23 BOARD MEMBER MOSCONE: DEPENDING ON WHEN THE  
24 SITE BECAME INACTIVE, IT WOULD AT LEAST HAVE TO FOLLOW UP  
25 TO THE POINT OF PROGRESS ON THE LANDFILL, THEY MUST MEET



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Harristers'*  
*reporting service*



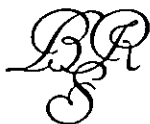
1 THOSE REQUIREMENTS. I THINK I MUST HAVE PRETTY MUCH THE  
2 SAME QUESTION THAT PHIL HAD.

3 I WAS CONCERNED ABOUT SOME OF THE SITES  
4 WHERE THEY HAVE KNOCKED OFF, THEY HAVE STOPPED FILLING.  
5 THEY WERE TRYING TO ACQUIRE ADDITIONAL SWAMPLANDS --  
6 SWAMPLANDS ALL ALONG THE BAY, TO ACQUIRE MORE AREAS OR TO  
7 RAISE THE LIFT IN CERTAIN AREAS. AND SO IN GOING THROUGH  
8 ALL OF THIS PROCESS AND ALL OF THE TRYING TO ACQUIRE ALL  
9 OF THE APPROVALS AND PERMITS AND ALL OF THAT AFTER A  
10 NUMBER OF YEARS BEFORE ANYTHING WAS ACTIVELY DONE.

11 SO YOU JUST TAKE IT FROM THE POINT WHERE  
12 ANY ACTIVITY HAS CEASED; AND UP TO THAT POINT, WHY, IF  
13 IT'S -- IF THEY HAVEN'T REACHED FINAL COVER, WHY, THEY'RE  
14 NOT BE REQUIRED TO PUT ON THAT FINAL COVER IF THEY INTEND  
15 TO PROCEED WITH ADDITIONAL LANDFILLING.

16 MR. ORR: THAT'S CORRECT. WHAT THEY WOULD HAVE  
17 TO -- WHAT CONCEIVABLY THEY MIGHT DO IS PERIODICALLY  
18 NOTIFY THE LEA OR THE BOARD REGARDING THE STATUS IN  
19 OBTAINING -- WELL, IT MAY NOT BE A SOLID WASTE FACILITIES  
20 PERMIT. IT COULD BE A WASTE DISCHARGE REQUIREMENT OR  
21 WETLANDS PERMIT OR SOMETHING ELSE. BUT THEY MAY HAVE TO  
22 SAY, "WELL, YOU KNOW, WE'RE STILL PROCEEDING, BUT WE  
23 HAVEN'T OBTAINED IT YET." SO IT WOULD JUST HAVE TO BE  
24 SOMETHING THAT WOULD BE INTENTIONAL AS OPPOSED TO JUST  
25 SORT OF SOMETHING THAT'S IN LIMBO.

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Barristers*  
*reporting service*

1 BOARD MEMBER MOSCONE: OKAY, BILL.


2 MR. ORR: OKAY. THE NEXT STATUS REGARDING  
3 OPERATION WOULD BE ACTUALLY OPERATING. AND THIS IS  
4 PROBABLY THE MOST CRITICAL ONE BECAUSE THIS IS WHAT SETS  
5 THE APPLICABILITY OF THE STANDARDS FOR THE REST OF THIS  
6 PROGRAM. AND THE WAY WE DEFINE IT AS BEING ACTIVE, AND  
7 ACTIVE IS A STATUS THAT WE HAVE ON OUR SOLID WASTE  
8 INFORMATION SYSTEMS. SO I WANTED TO LINK THOSE THINGS  
9 TOGETHER.

10 OVER THE PERIOD OF SITE ACTIVITY FROM THE  
11 FIRST RECEIPT OF WASTE UNTIL THE FINAL RECEIPT OF WASTE  
12 CONSISTENT WITH THE NORMAL PATTERN OF OPERATION IN THE  
13 SOLID WASTE FACILITIES PERMIT.

14 WHAT THAT MEANS IS THAT IT'S NOT SO MUCH  
15 WHETHER YOU TAKE WASTE ON A GIVEN DAY, BUT IF DURING A  
16 GIVEN PERIOD OF TIME YOU ARE RECEIVING WASTE; FOR  
17 EXAMPLE, YOUR FACILITY MAY BE OPEN FIVE DAYS A WEEK,  
18 WELL, YOU REALLY WOULDN'T BE CONSIDERED INACTIVE ON  
19 SATURDAY AND SUNDAY BECAUSE THAT'S CONSISTENT WITH YOUR  
20 NORMAL OPERATION.

21 IN SOME FACILITIES THE FACILITY MAY NOT  
22 OPERATE DURING THE WINTER MONTHS BECAUSE OF DIFFICULT  
23 ACCESS OR SOMETHING; AND IF THAT, AGAIN, IS CONSISTENT  
24 WITH THE PLAN OF OPERATION FOR THAT FACILITY, THAT REALLY  
25 WOULD NOT BE CONSIDERED INACTIVE. AND SO IT WOULD BE THE

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*

1 PERIOD OF TIME FROM WHEN IT BEGINS RECEIVING WASTE UNTIL  
2 WHEN IT STOPS RECEIVING WASTE.

3 THE NEXT ONE WOULD ACTUALLY BE CLOSURE, AND  
4 THAT IS ON THE BOTTOM -- MIDDLE OF PAGE 6, AND THAT  
5 REFERS TO THE PERIOD OF SITE ACTIVITY FOLLOWING THE FINAL  
6 RECEIPT OF WASTE, SO WHEN YOU STOP OPERATING. WHEN THE  
7 APPROVED CLOSURE PLAN IS BEING IMPLEMENTED, THE CLOSURE  
8 PERIOD ENDS UPON THE ACCEPTANCE OF THE CERTIFICATION OF  
9 CLOSURE BY THE APPROVING AGENCIES.

10 AND THE CERTIFICATION IS A STANDARD THAT WE  
11 HAVE THAT HAS CERTAIN REQUIREMENTS THAT WHERE THE  
12 ENGINEER THAT IS IN CHARGE OF IMPLEMENTING THE CLOSURE  
13 PLAN CERTIFIES THAT THE PLAN HAS BEEN COMPLETED AS  
14 APPROVED, AND AT THAT POINT THAT WOULD BE THE END OF THE  
15 CLOSURE PERIOD AND WHEN POSTCLOSURE WOULD BEGIN.

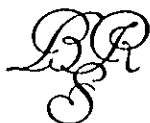
16 BOARD MEMBER BEAUTROW: MR. CHAIRMAN.

17 CHAIRMAN GALLAGHER: MR. BEAUTROW.

18 BOARD MEMBER BEAUTROW: WHY CAN'T THESE THINGS  
19 BE WRITTEN IN PLAIN ENGLISH? YOU KNOW, LIKE YOU ARE  
20 TALKING ABOUT A BENCH IN THE DEFINITION WHERE THERE'S A  
21 DECLIVITY. HOW MANY PEOPLE KNOW WHAT A DECLIVITY IS?

22 YOU KNOW, IT COULD BE A BREAK OR A BENCH  
23 OR -- IS THERE SOME REASON THAT WE'VE GOT ALL OF THESE  
24 DEFINITIONS WRITTEN IN ALL OF THIS OBTUSE LANGUAGE?  
25 REALLY, I THOUGHT THAT THERE WAS A MOVEMENT AFOOT TO TRY

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Barrister's*  
*reporting service*

1 TO UNCOMPLICATE THINGS AND WRITE IT IN PLAIN ENGLISH, AND  
2 I GO THROUGH THIS AND IT'S STILL THE SAME --

3 BOARD MEMBER BREMBERG: JARGON.

4 BOARD MEMBER BEAUTROW: -- JARGON, YEAH.

5 MR. EOWAN: I HAVE A GENERAL RESPONSE AND THEN  
6 MR. CONHEIM HAS A LEGAL RESPONSE.

7 MY GENERAL ONE IS --

8 CHAIRMAN GALLAGHER: WHICH OF YOU IS GOING TO  
9 RESPOND FIRST?

10 MR. EOWAN: I WILL FIRST. I THINK WHAT BILL IS  
11 TRYING TO DO FROM HIS SIDE OF IT IS BE AS PRECISE AS  
12 POSSIBLE, NOT AS OBTUSE OR OBSCURE AS POSSIBLE. AND  
13 GIVEN THAT HE HAS A TRAINING THAT IS IN GEOLOGY -- THAT'S  
14 THE WORD I'M LOOKING FOR -- THAT'S A VERY PRECISE MEANING  
15 FOR WORDS LIKE DECLIVITY. AND WE FEEL THAT THAT AIDS US  
16 IN CARRYING OUT OUR ACTIVITIES WHEN WE'RE IMPLEMENTING  
17 THIS PROGRAM BECAUSE IT'S A LESS GENERAL-TYPE STATEMENT.  
18 THAT'S THE SHORT ANSWER.

19 BOARD MEMBER BREMBERG: IT'S BENEFICIAL IN OTHER  
20 DISCIPLINES, IN OTHER WORDS?

21 MR. EOWAN: THAT'S CORRECT. AND KEEP IN MIND  
22 YOU WANT TO BE GENERAL OR YOU WANT TO BE PLAIN ENGLISH  
23 WHEN YOU CAN, BUT THOSE THAT ARE GOING TO BE RESPONSIBLE  
24 FOR CLOSING LANDFILLS OR ENFORCING THE REGULATIONS ARE  
25 PEOPLE THAT SHOULD KNOW THIS KIND OF TECHNICAL LANGUAGE.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1                    THAT'S A GENERAL RESPONSE TO YOUR QUESTION.  
2                    THERE'S A LEGAL ONE.

3                    CHAIRMAN GALLAGHER:    NOW, WE'LL HAVE A LEGAL  
4                    ONE.

5                    ATTORNEY CONHEIM:    MR. CHAIRMAN, MEMBERS, THE  
6                    LAW REQUIRES -- THE ADMINISTRATIVE PROCEDURE ACT REQUIRES  
7                    THAT REGULATIONS BE CLEAR, BUT THEY HAVE TO BE CLEAR TO  
8                    THE AUDIENCE THAT THEY'RE ADDRESSED TO.    AND SO MANY  
9                    REGULATIONS OF THE STATE -- NOT OF THIS AGENCY, BUT OF  
10                   OTHER AGENCIES OF THE STATE -- ARE ADMINISTRATIVE  
11                   STANDARDS, NORMAL BUSINESS MANAGEMENT STANDARDS, AND THEY  
12                   CAN BE WRITTEN IN TERMS THAT ARE PLAIN ENGLISH.

13                   BUT, IN FACT, WE HAVE TO BE PRECISE, AND  
14                   I'M JUST REALLY ECHOING, BUT I'M TRYING TO REAFFIRM IT  
15                   WITH A LEGAL GLOSS, ECHOING WHAT MR. EOWAN HAS SAID.

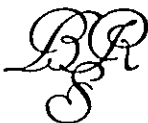
16                   WE HAVE TO BE PRECISE AND BE TECHNICAL IN  
17                   THOSE REGULATIONS THAT ARE ADDRESSED TO TECHNICAL PEOPLE;  
18                   OTHERWISE WHEN WE GO TO ENFORCE THOSE THINGS AND WE'VE  
19                   USED ALTERNATE OR EUPHEMISTIC MEANINGS, WE'RE GOING TO  
20                   HAVE A HARD TIME ENFORCING THOSE STANDARDS AGAINST THE  
21                   LICENSED ENGINEERS AND GEOLOGISTS AND OTHER TECHNICAL  
22                   PROFESSIONALS.

23                   SO CLEAR MEANS CLEAR TO THE AUDIENCE THAT  
24                   THE REGULATION IS DIRECTED TO.    AND I SUSPECT THAT OAL IS  
25                   GOING TO BORROW A LINE OR TWO FROM MR. BEAUTROW ANYWAY,

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES    ORANGE COUNTY    SAN DIEGO  
213-622-8511    714-953-4447    619-455-1997



*barristers'*  
*reporting service*

1 BUT I THINK THAT WE ARE RIGHT IN DOING IT THIS WAY AND WE  
2 WILL DEFEND IT.

3 CHAIRMAN GALLAGHER: MR. MOSCONE.

4 BOARD MEMBER MOSCONE: I HAD THE SAME FEELING,  
5 AND I THINK I PROBABLY EXPRESSED IT ON THIS OAL THING.

6 WHEN WE WERE DRAWING UP THIS PART OF THE  
7 POLICIES AND STANDARDS AND ALL OF THAT, THE PEOPLE WHO  
8 ARE NOW COMPLAINING, OR AT LEAST SOME OF THOSE WHO ARE  
9 NOW COMPLAINING, ABOUT THE WAY THEY ARE WRITTEN AND  
10 EVERYTHING, I WANT TO TELL YOU THEY WERE THE ONES WHO  
11 WERE RESPONSIBLE. AND, IN FACT, IF WE COULD HAVE HAD  
12 PICTURES OR ALL THIS OTHER STUFF, THAT'S WHAT THEY  
13 WANTED.

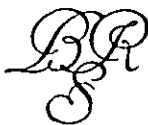
14 I TOOK ONE SEMESTER OF GEOLOGY, AND I DON'T  
15 FOLLOW THIS STUFF. AND I WAS GOING THROUGH HERE, AND I  
16 WAS TRYING TO DECIDE IN MY MIND WHETHER THESE THINGS WERE  
17 BEING DRAWN UP FOR PROFESSIONAL PEOPLE TO CREATE WORK FOR  
18 PROFESSIONAL PEOPLE AND TO CONFUSE THE OPERATOR WHO  
19 DIDN'T GO TO HIGH SCHOOL OR COLLEGE OR ANYTHING ELSE, OR  
20 WHAT THE REAL INTENTION WAS TO -- WAS THIS ONE FORM OF  
21 EMPLOYING PROFESSIONALS? IT WAS THE THOUGHT THAT KEPT  
22 COMING TO MY MIND.

23 SO I SAID, "WELL, I GUESS IF I OWNED A  
24 LANDFILL, I'D HAVE TO GET AN ATTORNEY OR HAVE TO GET AN  
25 ENGINEER, HAVE TO GET A GEOLOGIST, AND I'D HAVE TO GET

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1 ALL OF THIS." SO WE'RE CREATING EMPLOYMENT.

2 CHAIRMAN GALLAGHER: MR. BEAUTROW, YOU HAVE  
3 ANYTHING FURTHER?

4 BOARD MEMBER BEAUTROW: NO.

5 CHAIRMAN GALLAGHER: MR. MOSCONE, ANYTHING  
6 FURTHER?

7 BOARD MEMBER MOSCONE: NO.

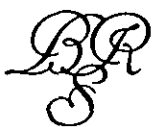
8 CHAIRMAN GALLAGHER: SATISFIED, BUT NOT  
9 CONVINCED. GO AHEAD, BILL.

10 MR. ORR: THE NEXT DEFINITION THAT I'D LIKE TO  
11 HIGHLIGHT ALONG WITH THE OPERATING DEFINITION IS AS  
12 IMPORTANT IS ACTUAL DEFINITION OF AN OPERATOR. THIS HAS  
13 BEEN A PARTICULAR DEFINITION THAT WE'VE BEEN WORKING ON  
14 IN-HOUSE SINCE MAY OF LAST YEAR, BOTH IN THE CONTEXT OF  
15 THE CLOSURE AND POSTCLOSURE REGULATIONS, BUT ALSO IN  
16 TERMS OF THE ENFORCEMENT DIVISION AS WELL.

17 BERNIE VLACH AND MYSELF HAVE HAD NUMEROUS  
18 DISCUSSIONS ABOUT THAT, AND IT'S BEEN BROUGHT UP A NUMBER  
19 OF TIMES IN STAFF MEETINGS. AND THIS IS THE DEFINITION  
20 THAT WE WOULD PRESENT FOR YOUR CONSIDERATION.

21 ONE OF THE THINGS THAT HAS COME UP IN  
22 DISCUSSIONS HAS BEEN BOTH IN TERMS OF THE CLOSURE PLANS,  
23 BUT ESPECIALLY IN THE AREA OF THE FINANCIAL ASSURANCE  
24 MECHANISMS, IS CAN A LANDOWNER MAKE A CERTAIN FINANCIAL  
25 ASSURANCE ON BEHALF OF AN OPERATOR.

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1                   THIS IS PART OF THE AREA THAT WE'RE  
2                   ATTEMPTING TO DEAL WITH THAT, AND IT ALSO IS GOING TO BE  
3                   SOMETHING THAT WILL TELL US WHO IT IS THAT WE NEED TO GO  
4                   TO IF, FOR EXAMPLE, THE CLOSURE PLAN IS NOT SUBMITTED OR  
5                   NEEDS TO BE REVISED OR WHATEVER.

6                   SO I'LL START IN WITH THE DIFFERENT  
7                   CONDITIONS THAT DESCRIBE THE OPERATOR. OPERATOR MEANS  
8                   THE LANDOWNER OR OTHER PERSON WHO THROUGH A LEASE,  
9                   FRANCHISE AGREEMENT, OR OTHER ARRANGEMENT WITH THE  
10                  LANDOWNER BECOMES LEGALLY RESPONSIBLE TO THE STATE FOR  
11                  INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING REQUIREMENTS  
12                  FOR A SOLID WASTE LANDFILL:

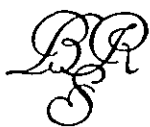
13                 (1) OBTAINING A SOLID WASTE FACILITIES  
14                 PERMIT; (2) COMPLYING WITH ALL APPLICABLE FEDERAL, STATE,  
15                 AND LOCAL REQUIREMENTS; (3) THE PHYSICAL OPERATION OF THE  
16                 FACILITY; AND (4) CLOSING AND MAINTAINING THE LANDFILL  
17                 DURING THE POSTCLOSURE CARE PERIOD.

18                 YOU CAN SEE THAT WE'VE COMBINED A NUMBER OF  
19                 OPERATING AND CLOSURE-RELATED ACTIVITIES INTO THESE  
20                 DIFFERENT CONDITIONS. AND THE WAY THAT IT WOULD WORK IN  
21                 TERMS OF A LANDOWNER TRANSFERRING THE RESPONSIBILITY IS  
22                 THAT THROUGH THAT LEASE AGREEMENT OR FRANCHISE AGREEMENT,  
23                 WHATEVER TYPE OF ARRANGEMENT THE LANDOWNER HAS WITH SOME  
24                 OTHER OPERATOR, IT WILL NEED TO BE CLEAR WHO IS GOING TO  
25                 BE RESPONSIBLE FOR MAKING, FOR EXAMPLE, THE FINANCIAL

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES   ORANGE COUNTY   SAN DIEGO  
213-622-8511   714-953-4447   619-455-1997



*Barristers'*  
*reporting service*



1 ASSURANCES.

2 IF THE LANDOWNER WANTS TO MAKE THOSE ON  
3 BEHALF OF THE OPERATOR, THEN THEY CAN RESERVE THAT POWER  
4 WITHIN THAT AGREEMENT. IF THERE IS SOME SPLIT BETWEEN  
5 WHO'S GOING TO MONITOR OR MAINTAIN THE LANDFILL, AGAIN,  
6 THOSE TYPES OF ACTIVITIES WOULD NEED TO BE CLEARLY STATED  
7 IN WHATEVER THE AGREEMENT IS BETWEEN THE LANDOWNER AND  
8 THE OPERATOR.

9 IN THE CASES WHERE SOMETHING IS NOT CLEARLY  
10 TRANSFERRED TO SOME OTHER PARTY, THE RESPONSIBILITY WOULD  
11 THEN REMAIN WITH THE LANDOWNER.

12 THE NEXT AREA OF DEFINITIONS HAS TO DO WITH  
13 PROFESSIONAL CREDENTIALS. WHAT WE'VE DONE THROUGHOUT THE  
14 REGULATIONS AS WE'VE REFERRED TO VARIOUS REGISTERED OR  
15 CERTIFIED PROFESSIONALS -- AND THE ONES THAT WE'VE  
16 DEFINED HERE ARE BASED ON SECTIONS IN THE BUSINESS AND  
17 PROFESSIONS CODE THAT ESTABLISH THE REGISTRATION PROGRAM  
18 FOR WHATEVER SPECIALTY THAT IS. THE ONES THAT WE HAVE  
19 DEFINED HERE WOULD INCLUDE CERTIFIED ENGINEERING  
20 GEOLOGIST, REGISTERED CIVIL ENGINEER, REGISTERED  
21 GEOLOGIST, AND THEN GEOLOGIST.

22 WE'LL BE -- ANYTIME THROUGHOUT THE REST OF  
23 THE TEXT WHERE YOU SEE SOME REFERENCE TO THOSE  
24 SPECIALTIES, THEY WOULD BE DEFINED AS LISTED HERE UNDER  
25 THE DEFINITION SECTION.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1 MOST OF THE REST OF THE DEFINITIONS PERTAIN  
2 TO INDIVIDUAL SECTIONS, AND THOSE WILL BE REFERENCED AS  
3 WE GO THROUGH THE REST OF THE REGULATIONS TODAY. BUT I  
4 DID WANT TO HIGHLIGHT THOSE FOR YOU TO BE BEGIN WITH.

5 IF THERE ARE NO COMMENTS THEN, I WILL MOVE  
6 ON --

7 BOARD MEMBER BROWN: MR. CHAIRMAN.

8 CHAIRMAN GALLAGHER: MR. BROWN.

9 BOARD MEMBER BROWN: BILL, I APOLOGIZE FOR GOING  
10 BACK TO OPERATOR HERE FOR JUST A MINUTE. IN YOUR FINAL  
11 STATEMENT YOU SAID SOMETHING ABOUT THAT THE FINAL CLOSURE  
12 RESPONSIBILITIES WOULD REMAIN WITH THE OPERATOR. DID I  
13 MISUNDERSTAND OR ARE WE SAYING THROUGH THIS DEFINITION  
14 THAT UNDER -- IF EVERYTHING COMES APART AND NOTHING HOLDS  
15 TOGETHER WITH RESPECT TO ANY LEGAL AGREEMENTS, THAT AN  
16 OPERATOR WOULD BE THEN CONSIDERED THE OWNER AND NOT  
17 NECESSARILY THE OPERATOR?

18 MR. ORR: UNLESS IT WAS OTHERWISE CLEAR, WE  
19 WOULD BE SAYING THAT THE LANDOWNER WOULD BE THE OPERATOR,  
20 UNLESS THAT IT WAS CLEAR OTHERWISE LEGALLY, THAT THERE  
21 WAS A LEGAL TRANSFER OF THAT RESPONSIBILITY.

22 BOARD MEMBER BROWN: OKAY.

23 CHAIRMAN GALLAGHER: BILL, BEFORE YOU MOVE ON,  
24 MAY I ASK A QUESTION? IS THERE ANY INTENT, BECAUSE OF  
25 THE COMMENTS THAT WERE RAISED BY MR. MOSCONE AND MR.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 BEAUTROW, TO PROVIDE THIS DICTIONARY TO OPERATORS  
2 CURRENTLY OPERATING OR MAKE IT AVAILABLE TO THEM SO THEY  
3 UNDERSTAND IT RIGHT FROM THE OUTSET?

4 MR. ORR: THESE DEFINITIONS WILL BE INCLUDED IN  
5 THE MAILING THAT WE'LL BE MAKING AND WILL PHYSICALLY BE  
6 PART OF THE REGULATIONS WHEN THEY'RE PROMULGATED AS WELL.

7 CHAIRMAN GALLAGHER: THANK YOU. MR. CONHEIM.

8 ATTORNEY CONHEIM: MR. BROWN, THE EXISTING  
9 GENERAL LAW MAKES OWNERS OF LAND RESPONSIBLE FOR THEIR  
10 CONDITIONS. SO I THINK THAT'S WHERE WE'RE -- THAT'S THE  
11 CONSISTENCY THAT WE'RE SIMPLY APPLYING TO THIS.

12 IT'S A DIFFICULT AREA, AND IT HAS LOTS OF  
13 IMPLICATIONS. AND THE REGULATIONS GROUP HAS THOUGHT IT  
14 THROUGH, AND WE MUST HAVE HAD A HUNDRED DISCUSSIONS ON  
15 IT. I DON'T KNOW -- WE CAN BE -- WE CAN CONTINUE TO TRY  
16 TO BE MORE AND MORE THOROUGH ON IT, BUT WE KEEP COMING UP  
17 WITH THE SAME BOTTOM LINE. WE CAN DEVELOP THAT A LITTLE  
18 MORE AND -- IF YOU NEED MORE INFORMATION.

19 BOARD MEMBER BROWN: NO. I'M SURE THAT YOU WENT  
20 THROUGH IT. I'M JUST BEGINNING THE THOUGHT PROCESS AND  
21 YOU'VE GONE ALL THE WAY THROUGH IT, SO I'M SURE THAT  
22 WE'VE COVERED THE SAME GROUND. I JUST WANTED TO, I  
23 GUESS, HEAR YOU SAY THAT THE OPERATOR ULTIMATELY BECOMES  
24 THE OWNER IN THE EVENT THAT --

25 ATTORNEY CONHEIM: EVERYTHING ELSE FALLS --

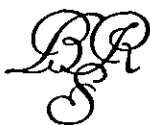
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 BOARD MEMBER BROWN: -- NOWHERE ELSE TO GO. AND  
2 I THINK THAT'S CONSISTENT. THAT MAKES SENSE TO ME.

3 ATTORNEY CONHEIM: AT A CERTAIN POINT, YOU KNOW,  
4 OWNERS TRANSFER PROPERTY AND A BONA FIDE PURCHASER WITH  
5 KNOWLEDGE ASSUMES RESPONSIBILITY AND THERE'S DISCLOSURE  
6 LAWS. BUT IT ENDS UP BEING A PROBLEM THAT OWNERS HAVE TO  
7 FACE AS THEY UTILIZE THE LAND LATER ON. OWNERS HAVE TO  
8 FACE. SO -- AND OWNERS PASSING TO SUBSEQUENT PURCHASERS.  
9 SO THAT'S OLD COMMON LAW STUFF.

10 BOARD MEMBER BROWN: OKAY. THANK YOU.

11 MR. ORR: OKAY. LET US MOVE THEN TO THE FIRST  
12 OF THE ACTUAL STANDARDS, WHICH WOULD BE FOUND ON THE  
13 BOARD PACKET PAGE 11; AND THIS DEALS WITH THE TIME FRAMES  
14 FOR CLOSURE, AND WE REALLY HAVEN'T DONE MUCH TO THAT  
15 PARTICULAR STANDARD.

16 I'LL HAVE CAREN TRGOVCICH, WHO JUST  
17 RETURNED FROM A BRIEF MATERNITY LEAVE, PRESENT THIS  
18 SECTION TO YOU.

19 BOARD MEMBER MOSCONE: BOY OR GIRL?

20 MS. TRGOVCICH: BOY.

21 BOARD MEMBER MOSCONE: GOOD FOR YOU.  
22 CONGRATULATIONS.

23 MS. TRGOVCICH: THANK YOU.

24 IF YOU WILL REMEMBER, WE WENT THROUGH THIS  
25 SECTION A NUMBER OF MONTHS AGO. THE SECTION MORE OR LESS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*Barristers*  
*reporting service*

1 REMAINS THE SAME. WHAT IT DOES IS IT TALKS ABOUT THE  
2 TIME IN WHICH THE OPERATOR HAS TO BEGIN THE  
3 IMPLEMENTATION OF THE CLOSURE PLAN.

4 AND WHAT WE HAD DISCUSSED THE LAST TIME WAS  
5 THAT WE WOULD GIVE THE OPERATOR 30 DAYS TO BEGIN  
6 IMPLEMENTATION OF THE PLAN. THERE WAS A LOT OF  
7 DISCUSSION AT OUR LAST MEETING WHEN WE DISCUSSED THIS,  
8 WHICH CENTERED AROUND WHAT MEANS IMPLEMENTATION OF THE  
9 PLAN. AND THERE WAS A LOT OF CONTROVERSY. I REMEMBER  
10 MR. BOWERMAN BROUGHT UP THAT IT WOULD TAKE THEM A LOT  
11 LONGER TO MOBILIZE AND TO GET READY TO IMPLEMENT THE PLAN  
12 ONCE THEY STOPPED RECEIVING WASTE.

13 AND WE HAD CLARIFIED FOR -- THIS FOR HIM BY  
14 STATING THAT IMPLEMENTATION OF THE PLAN IS THE PLAN THAT  
15 HE SUBMITS FOR APPROVAL. THEREFORE, THE BEGINNING OF THE  
16 PLAN MAY INVOLVE MANY ADMINISTRATIVE DETAILS, MAY INVOLVE  
17 THE LETTING OF CONTRACTS, ETC. SO THIS WOULD ALL BE  
18 BUILT IN TO THE PLAN ACTIVITIES. AND, THEREFORE, WE LEFT  
19 THE 30 DAYS AS IS BECAUSE IMPLEMENTATION OF THE PLAN  
20 WOULD INVOLVE THE -- ALL OF THOSE DETAILS, THE LETTING OF  
21 THE CONTRACTS, MOBILIZING OF EQUIPMENT AND PERSONNEL  
22 NECESSARY TO CARRY OUT THE CLOSURE ACTIVITIES. SO THIS  
23 SECTION REMAINS THE SAME.

24 CHAIRMAN GALLAGHER: YES, MR. ARAKALIAN.

25 BOARD MEMBER ARAKALIAN: YOU ARE COMMENTING ON



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

1 30 DAYS FOR A START-UP TIME ON THE IMPLEMENTATION?

2 MS. TRGOVCICH: RIGHT.

3 BOARD MEMBER ARAKALIAN: ARE YOU PLANNING ON ANY  
4 KIND OF A TIME FRAME FOR THE COMPLETION, OR THAT'S TOO  
5 VAGUE?

6 MS. TRGOVCICH: THAT WILL BE IN THE PLAN ITSELF.  
7 THE PLAN THAT MUST BE APPROVED OF BY THIS BOARD WILL ALSO  
8 INCLUDE A SCHEDULE FOR ALL OF THE ACTIVITIES SURROUNDING  
9 CLOSURE, AND LATER IN THIS PRESENTATION YOU WILL GET TO  
10 WHAT THAT PLAN MUST CONTAIN. AND THE TIME FRAMES WILL BE  
11 CONTAINED IN THAT PLAN. THEY WILL BE SITE-SPECIFIC.  
12 AND, THEREFORE, BECAUSE ALL LANDFILLS ARE DIFFERENT AND  
13 WILL REQUIRE DIFFERENT ACTIVITIES TO CLOSE THEM, THE TIME  
14 FRAMES WILL BE SPECIFIC TO THAT LANDFILL AND WILL BE  
15 DEALT WITH IN THE PLAN.

16 BOARD MEMBER ARAKALIAN: WELL, ARE WE GOING TO  
17 BE SENSIBLY LEADING IT THIS TIME BECAUSE, OBVIOUSLY,  
18 REGARDLESS OF HOW YOU GUESS THIS, IT'S GOING TO BE FIRST  
19 TIME AROUND PRETTY MUCH OF A WILD GUESS. THIS HASN'T  
20 BEEN DONE FOR TEN ONGOING YEARS WHERE YOU HAVE SOME KIND  
21 OF A GUIDELINE. THIS WILL BE BRAND NEW, AND SOMEONE  
22 COULD VERY -- THINK VERY SAFE AND SAY WE'LL GIVE IT "X"  
23 AMOUNT OF TIME TO DO THESE THINGS AND FIND OUT WHEN WE  
24 GET INTO IT, THAT MIGHT BE JUST A TIP, YOU KNOW, AND NOT  
25 EVEN CLOSE BECAUSE IT CAN GET REALLY COMPLEX.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 MS. TRGOVCICH: THAT'S CORRECT. AND SO BECAUSE  
2 IT IS THE OPERATOR THAT IS GOING TO SUBMIT THIS PLAN, IT  
3 WILL BE THE OPERATOR THAT WILL HAVE THE FIRST OPPORTUNITY  
4 TO TELL THIS BOARD WHAT HE OR SHE FEELS IS AN APPROPRIATE  
5 TIME FRAME FOR EACH OF THE ACTIVITIES.

6 BOARD MEMBER ARAKALIAN: I UNDERSTAND. . THAT'S  
7 WHY I SAY, WHETHER IT BE THEM OR US WHO PICKS THE TIME,  
8 IT'S ALMOST IRRELEVANT BECAUSE THEY, THE SAME AS YOU  
9 WOULD BE, ARE PRETTY MUCH GUESSING AN UNUSED NUMBER.

10 AND I HOPE YOU GUYS EITHER ALLOCATE  
11 SOMETHING IN THERE OR PUT SOMETHING IN TO GIVE IT A  
12 LITTLE BIT OF LENIENCY WITH THINGS LIKE, YOU KNOW, MOVING  
13 ALONG, ETC., ETC., MAKE IT REAL SO CLEAN-CUT YOU CAN'T  
14 HAVE A SLIPKNOT. THEY CAN BE IN TROUBLE AND SO CAN WE BY  
15 ASKING FOR SOMETHING UNREALISTIC.

16 MS. TRGOVCICH: THERE'S A SECTION LATER ON WHICH  
17 DEALS WITH AN OPERATOR NEEDING TO MODIFY THOSE TIME  
18 FRAMES AND GIVING REASONS WHY AN OPERATOR COULD MODIFY  
19 THOSE TIME FRAMES.

20 BOARD MEMBER ARAKALIAN: NO MATTER HOW YOU DO  
21 IT, YOU BETTER LEAVE PLENTY OF ROPE ON THIS TIME ELEMENT.

22 CHAIRMAN GALLAGHER: IS THAT WHAT YOU ARE  
23 INTENDING UNDER B, C (1) AND (2) ON PAGE 11, WHICH HAS TO  
24 DO WITH -- OR ON PAGE 12, EXCUSE ME -- ON WHICH IT TALKS  
25 TO THE FACT THAT YOU MAY NEED SOME EXTENDED TIME?

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1 MS. TRGOVCICH: YES.

2 CHAIRMAN GALLAGHER: IS THAT THE SECTION YOU ARE  
3 REFERRING TO?

4 MS. TRGOVCICH: YES.

5 CHAIRMAN GALLAGHER: OKAY. THAT SEEMS TO ME  
6 THAT IT GIVES AMPLE OPPORTUNITY FOR AN OPERATOR TO  
7 REQUEST CHANGE IN THE SCHEDULE. THANK YOU.

8 MS. TRGOVCICH: THE NEXT SECTION DEALS WITH  
9 PARTIAL CLOSURE. AND THE CHANGES TO THIS SECTION -- WE  
10 SPELL DISCRETE CORRECTLY. AND IN ADDITION, WHAT WE WERE  
11 TRYING TO ATTEMPT WITH THIS SECTION WAS TO PROVIDE AN  
12 INCENTIVE FOR LANDFILL OPERATORS TO CLOSE THE LANDFILL AS  
13 THEY GO.

14 AND WHAT THIS SECTION DOES IS IDENTIFY WHAT  
15 WE MEAN BY DISCRETE UNIT, THE CLOSE-AS-YOU-GO METHOD.  
16 AND IT SAYS TO THE OPERATOR, THIS IS AVAILABLE FOR YOU  
17 AND YOU CAN INCLUDE IT IN YOUR PLANS. AND LATER ON WHEN  
18 WE GET INTO THE CONTENTS OF THE PLANS, THE PLANS WILL  
19 DEAL WITH, IN TERMS OF THE APPROVAL PROCESS, ETC., WHAT  
20 IS NECESSARY IN ORDER TO ACCOMPLISH PARTIAL CLOSURE.

21 MR. ORR: IN ADDITION TO THE CONCEPT OF DISCRETE  
22 UNIT, ONE OF THE COMMENTS THAT WE RECEIVED AT THE  
23 WORKSHOPS WAS WHAT IF WE WANT TO UNDERTAKE A CERTAIN  
24 ACTIVITY THAT WOULD BE PART OF CLOSURE; FOR EXAMPLE,  
25 APPLY FINAL COVER IN A CERTAIN AREA, BUT WE REALLY DON'T

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*



1 HAVE A DISCRETE UNIT? AND WHAT WE'VE DONE IS WE'VE ALSO  
2 ACCOMMODATED THAT APPROACH TO PHASED DEVELOPMENT.

3 HOWEVER, IN THE CASE OF THE PARTIAL CLOSURE  
4 WHERE YOU'RE NOT CLOSING A DISCRETE UNIT, YOU DON'T GAIN  
5 THE INCENTIVE OF NOT BEING SUBJECT TO FUTURE CHANGES IN  
6 REGULATIONS BECAUSE IT'S NOT AN ISOLATED UNIT LIKE YOU  
7 WOULD IF YOU CLOSED INDISCRETE UNITS AS DESCRIBED IN THIS  
8 SECTION.

9 MS. TRGOVCICH: MOVING ON, THEN, THE NEXT  
10 SECTION, "CLOSURE OF TREATMENT UNITS." WHAT THIS SECTION  
11 DEALS WITH IS THE CLOSURE OF UNITS AT THE FACILITY OTHER  
12 THAN THE LANDFILL ITSELF. AND WHAT WE'RE SAYING IS THAT  
13 IF THERE ARE OTHER SORTS OF UNITS WITHIN THE PROPERTY  
14 BOUNDARY WHICH ARE CONNECTED TO THE ACTIVITIES OF THE  
15 SOLID WASTE LANDFILL, THEN THEY MUST BE INCLUDED IN THE  
16 PLAN ITSELF TOO.

17 AND ONE OF THE COMMENTS LAST TIME WAS WHAT  
18 DO YOU MEAN BY OTHER TYPES OF TREATMENT UNITS. AND ON  
19 PAGE 12 WE WENT AHEAD AND INCLUDED -- FOR PURPOSES OF THE  
20 SECTION, WE INCLUDED SLUDGE DRYING BEDS, COMPOSTING  
21 FACILITIES, AND LEACHATE EVAPORATION PONDS. THAT IS  
22 NOT -- THAT DOES NOT CONTAIN THE ENTIRE RANGE OF UNITS  
23 THAT SHOULD BE INCLUDED IN THE PLAN, BUT THAT GIVES THE  
24 OPERATOR AN IDEA OF THE TYPE OF UNITS THAT ARE TO BE  
25 INCLUDED AS TREATMENT UNITS.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

2 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

3 BOARD MEMBER BREMBERG: CAREN, ARE THESE  
4 DEFINITIONS -- AND PARTICULARLY I'M ONE OF THE ONES THAT  
5 WAS INTERESTED IN THIS -- ARE THESE COMPATIBLE WITH WATER  
6 QUALITY REGS SO THAT THERE WON'T BE ANY WEASELING AND  
7 SAYING, "WELL, OVER HERE I CAN DO THIS AND YOU AREN'T  
8 LETTING ME DO THAT, SO I WON'T DO EITHER"?

9 MR. ORR: WE JUST RECEIVED COMMENTS FROM THE  
10 WATER BOARD THIS WEEK ON THE DRAFT THAT WE PUT OUT LAST  
11 SEPTEMBER, AND THAT IS ONE AREA THAT THEY DO HAVE SOME  
12 COMMENTS ON. I BELIEVE THEY WOULD LIKE A CLOSER LINK  
13 BETWEEN OUR TREATMENT UNITS AND WHAT THEY CALL WASTE  
14 MANAGEMENT UNITS. WE'LL BE LOOKING INTO THAT FURTHER.

15 BOARD MEMBER BREMBERG: I THINK IT'S AN  
16 EXCELLENT IDEA BECAUSE I CAN SEE DOWN THE LINE THAT WE  
17 MIGHT BE PITTED AGAINST EACH OTHER, BOTH OF US WITH THE  
18 SAME GOAL BUT WITH DIFFERENT DEFINITIONS.

19 CHAIRMAN GALLAGHER: MR. MOSCONE.

20 BOARD MEMBER MOSCONE: WHEN YOU TALK ABOUT  
21 COMPOSTING, ARE YOU TALKING ABOUT PLANTS AND STUFF OR ARE  
22 YOU TALKING ABOUT HOUSEHOLD HAZARDOUS WASTE COMPOSTING OR  
23 ARE YOU TALKING ABOUT BOTH?

24 YOU KNOW, I GET A LITTLE UPSET WHEN I READ  
25 COMPOSTING. AND I KNOW THAT WHEN I'M READING IT, THEY'RE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1 TALKING ABOUT PLANT STUFF. THEY'RE NOT TALKING ABOUT THE  
2 VARIOUS PROCESSES OF COMPOSTING.

3 MR. ORR: RIGHT. WE'RE PRIMARILY TALKING ABOUT  
4 THE VEGETATIVE MATTER-TYPE OF COMPOSTING.

5 IN TERMS OF WHAT THE INTENT OF THIS  
6 STANDARD IS OVERALL IS TO CONSIDER THE IMPACT OF RELATED  
7 ACTIVITIES ON OR ADJACENT TO THE SITE, HOW THEY MIGHT  
8 IMPACT HOW YOU WANT TO CLOSE YOUR LANDFILL PROPER, AND,  
9 CONVERSELY, IN SOME INSTANCES, HOW THE CLOSURE OF THE  
10 LANDFILL MIGHT HAVE POTENTIAL IMPACT ON THOSE UNITS.

11 SO WE'RE NOT ATTEMPTING TO REGULATE, SAY,  
12 THE HOUSEHOLD HAZARDOUS WASTE COMPOSTING OR WHATEVER IN  
13 THIS SECTION, BUT RATHER ESTABLISH THAT YOU NEED TO THINK  
14 ABOUT NOT JUST THIS BLACK AND WHITE THING. YOU NEED TO  
15 THINK ABOUT OTHER THINGS THAT ARE GOING ON ON THE SITE IN  
16 DEVELOPING YOUR CLOSURE PLAN.

17 CHAIRMAN GALLAGHER: ANYTHING ELSE, MR. MOSCONE?

18 BOARD MEMBER MOSCONE: NO, THANK YOU.

19 CHAIRMAN GALLAGHER: GO AHEAD, BILL.

20 MR. ORR: OKAY. THE NEXT SECTION IS ONE THAT WE  
21 HAVE HAD A FAIR NUMBER OF CHANGES TO. IT'S NOW CALLED  
22 "EMERGENCY RESPONSE PLAN," AND THAT WILL BE DESCRIBED TO  
23 YOU BY MIKE FINCH.

24 MR. FINCH: GOOD MORNING, MR. CHAIRMAN, MEMBERS  
25 OF THE BOARD. I'LL BE READING FROM PAGE 14 OF YOUR

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 AGENDA PACKET. FOR THOSE IN THE AUDIENCE, THIS IS PAGE  
2 7.8-12, LOCATED AT THE BOTTOM OF THE PAGE.

3 SECTION 17766 HAS UNDERGONE SEVERAL CHANGES  
4 SINCE THE LAST TIME YOU SAW IT. FOR ONE THING THE TITLE  
5 HAS BEEN CHANGED TO -- FROM "CONTINGENCY PLANS" TO  
6 "EMERGENCY RESPONSE PLAN."

7 THE COMMENTS WE RECEIVED AT OUR TWO  
8 WORKSHOPS HELD IN SEPTEMBER SHOWED THE TITLE TO BE  
9 MISLEADING AND WE ACTED ON THAT. SEVERAL INDIVIDUALS AT  
10 THE WORKSHOPS ALSO VOICED CONCERN OVER THE PHRASE  
11 "IDENTIFICATION OF UNFORESEEN EVENTS." THEY ARGUED THAT  
12 TRULY UNFORESEEN EVENTS COULD NOT BE PLANNED FOR.

13 ACTING ON THESE COMMENTS, WE CHANGED THE  
14 TITLE AND DROPPED THE PHRASE "UNFORESEEN EVENTS." WE  
15 ALSO ADDED TSUNAMIS, SEICHES, AND FLOODS TO THE LIST OF  
16 EVENTS TO PLAN FOR, AND CHANGED THE PHRASE "AVAILABILITY  
17 OF EQUIPMENT NEEDED FOR EMERGENCIES" TO "THE GENERAL  
18 AVAILABILITY OF CATEGORIES OF EQUIPMENT NEEDED."

19 IF YOU WILL LOOK AT THE FIRST PAGE OF THE  
20 HANDOUT WITH THE FLOW CHART ON IT, IT SHOWS GRAPHICALLY  
21 HOW THIS SECTION WOULD BE IMPLEMENTED.

22 FIRST, AN EMERGENCY RESPONSE PLAN WOULD BE  
23 PREPARED AS PART OF THE FINAL CLOSURE PLAN AND THEN WOULD  
24 BE APPROVED AND/OR DISAPPROVED BY THE BOARD AND LEA AND  
25 UNDERGO REVISIONS. THE PLAN WOULD BE LOCATED ON THE SITE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*

1 OR AT AN ALTERNATE LOCATION, AND THE PLAN WOULD BE  
2 REVISED AFTER EMERGENCIES OCCUR. AND DEPENDING ON  
3 WHETHER THESE -- THE PLAN ACCOMMODATED THOSE EMERGENCIES,  
4 THE PLAN WOULD BE, IN TURN, AGAIN REVISED.

5 DO WE HAVE ANY QUESTIONS?

6 CHAIRMAN GALLAGHER: ANY QUESTIONS OF THE BOARD?

7 GO AHEAD.

8 MR. FINCH: OKAY. WITH THAT, I'LL MOVE ON TO  
9 THE NEXT SECTION, 17767, SITE SECURITY AT CLOSED  
10 LANDFILLS.

11 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

12 BOARD MEMBER BREMBERG: I DO HAVE ONE QUESTION  
13 BECAUSE MY CITY JUST FINALIZED A FLEXIBLE EMERGENCY PLAN.  
14 BUT ARE THESE PLANS GOING TO BE SHARED WITH THE EMERGENCY  
15 PREPAREDNESS OFFICE IN THE STATE AND THE VARIOUS  
16 COMMUNITIES THAT HAVE LANDFILLS BECAUSE WE INTEGRATED  
17 EMERGENCY RESPONSE TO OUR LANDFILL IN OUR OWN PLAN, BUT I  
18 JUST WONDER IF THAT IS SOMETHING THAT HAS BEEN CONSIDERED  
19 BECAUSE IT INVOLVES, NOT ONLY PUBLIC WORKS AND PUBLIC  
20 SERVICE, BUT POLICE, FIRE, THE WHOLE THING?

21 AND I THINK IT MIGHT BE A GOOD IDEA TO HAVE  
22 JUST YOUR BASIC FLOW CHART, IF NOTHING ELSE, BUT MAYBE A  
23 COPY OF THE REGS TO GO TO THE EMERGENCY PREPAREDNESS  
24 OFFICE AT THE STATE AND AN INDIVIDUAL COMMUNITY THAT HAS  
25 LANDFILLS, COUNTIES.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*Barristers'*  
*reporting service*

1 MR. FINCH: OKAY.

2 BOARD MEMBER BREMBERG: IT COULDN'T HURT.

3 CHAIRMAN GALLAGHER: THANK YOU, MS. BREMBERG.

4 MR. FINCH: THANK YOU.

5 SECTION 17767, WHICH IS SITE SECURITY, AT  
6 THE WORKSHOPS WE RECEIVED SEVERAL COMMENTS CONCERNING THE  
7 APPLICABILITY AND MAINTENANCE OF SIGNS. ACCORDINGLY, WE  
8 HAVE ENACTED SOME CHANGES, WHICH INCLUDE EXEMPTIONS FOR  
9 SIGNS ANNOUNCING CLOSURE DATES FOR LANDFILLS THAT ARE NOT  
10 USED BY THE PUBLIC. WE HAVE ALSO DEFINED THAT THE SIGNS  
11 SHOULD BE LEGIBLE TO A PERSON OF NORMAL VISION DURING  
12 DAYLIGHT HOURS AT A DISTANCE OF 25 FEET FROM THE FACILITY  
13 BOUNDARY.

14 ON THE NEXT PAGE OF THE HANDOUT, I'VE GOT A  
15 FLOW CHART THAT ILLUSTRATES HOW THIS SECTION WOULD BE  
16 IMPLEMENTED. YOU CAN SEE AT THE QUESTION BOX AFTER THE  
17 VERY START THAT IF THE LANDFILL HAD NOT BEEN USED BY THE  
18 PUBLIC IN THE LAST YEAR, THEN YOU WOULD NOT NEED TO GO  
19 THROUGH THIS LOOP THAT REQUIRES 60 DAYS BEFORE CLOSURE  
20 PLACING OF SIGNS AT THE ENTRANCES, ANNOUNCING DATES OF  
21 CLOSURE, AND ALTERNATE LANDFILL LOCATIONS, AND IT ALSO  
22 WOULD EXEMPT FROM PLACING AN ADVERTISEMENT IN LOCAL  
23 NEWSPAPERS ANNOUNCING THIS.

24 THEN, BOTH, WHETHER IT'S USED BY THE PUBLIC  
25 OR NOT, YOU WOULD THEN HAVE 10 DAYS AFTER THE FINAL WASTE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 SHIPMENT TO SECURE ALL POINTS OF ACCESS TO THE FACILITY.  
2 AND THEN WITHIN 10 DAYS OF CLOSURE, A SIGN POSTED AT THE  
3 MAIN ENTRANCE INDICATING THE LOCATION OF THE CLOSURE  
4 MAINTENANCE PLAN AND INCLUDE A LOCAL OR 800 TELEPHONE  
5 NUMBER FOR EMERGENCY NOTIFICATION.

6 THEN, ONCE AGAIN, THE PROVISION I MENTIONED  
7 EARLIER, ALL SIGNS TO BE VISIBLE FROM 25 FEET FROM THE  
8 FACILITY BOUNDARY.

9 BOARD MEMBER BREMBERG: LEGIBLE YOU SAID, NOT  
10 VISIBLE.

11 MR. FINCH: OH, YEAH, VISIBLE. I'M SORRY.

12 BOARD MEMBER BREMBERG: LEGIBLE.

13 MR. FINCH: OH, YEAH, LEGIBLE.

14 CHAIRMAN GALLAGHER: YOU SAID LEGIBLE.

15 MR. FINCH: YES. YES.

16 BOARD MEMBER BREMBERG: YOU CAN ALWAYS SEE IT.  
17 IT'S WHETHER YOU CAN READ IT OR NOT.

18 MR. FINCH: OH, RIGHT.

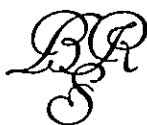
19 BOARD MEMBER ARAKALIAN: THIS SAYS LEGIBLE.

20 MR. FINCH: YEAH, THAT'S TRUE. THAT'S WHY I  
21 MENTIONED NORMAL VISION SO THAT WOULD TAKE CARE OF THAT.

22 BOARD MEMBER BREMBERG: WE ALL HAVE NORMAL  
23 VISION ADJUSTED BY GLASSES.

24 MR. FINCH: RIGHT.

25 CHAIRMAN GALLAGHER: MR. MOSCONE HAS A QUESTION



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 BEFORE YOU MOVE ON.

2 BOARD MEMBER MOSCONE: THIS HAS TO DO WITH  
3 SIGNS. OUR PAGE 17, ONE, TWO, THREE -- THE FOURTH LINE  
4 DOWN. SHOULD THIS BE PLURAL, MAIN POINTS? BECAUSE I  
5 THINK THEY'D HAVE SOME OTHER LANDFILLS AT SOME TIME HAVE  
6 OTHER -- FOR SOME REASON, USE OTHER -- SHOULD THOSE SIGNS  
7 OR ANY OF THAT INFORMATION ALSO BE POSTED AT -- EVEN IF  
8 THEY'RE USED NOT ON A DAILY BASIS, SHOULD -- IS THIS THE  
9 INTENTION THAT AT ANYPLACE WHERE THERE'S ACCESS TO THE  
10 LANDFILL THAT THESE SIGNS BE POSTED?

11 MR. FINCH: YES, NORMAL ACCESS.

12 BOARD MEMBER MOSCONE: BECAUSE IT DOES SAY MAIN  
13 POINT OF ACCESS.

14 MR. FINCH: IT SHOULD SAY POINTS. I AGREE WITH  
15 YOU.

16 CHAIRMAN GALLAGHER: CAN WE MOVE ON?

17 MR. FINCH: OKAY. I'LL TURN THE MICROPHONE OVER  
18 TO DAVE VOLDEN, WHO WILL DISCUSS SECTION 17768,  
19 INSPECTION UPON COMPLETION.

20 MR. VOLDEN: GOOD MORNING MR. CHAIRMAN, MEMBERS  
21 OF THE BOARD.

22 THIS IS PAGE 18, SECTION 17768, INSPECTION  
23 UPON COMPLETION. GENERALLY, THIS SECTION PROVIDES FOR  
24 ONE FINAL INSPECTION PRIOR TO THE IMPLEMENTATION OF  
25 CLOSURE. THIS ENSURES THAT THE LEA HAS AN OPPORTUNITY TO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*Barristers'*  
*reporting service*



1 DETERMINE THAT THE FACILITY IS READY TO PROCEED WITH  
2 CLOSURE. AND, SPECIFICALLY, THE SECTION REQUIRES THAT A  
3 CHECK TO SEE THAT THE REQUIREMENTS OF SITE SECURITY ARE  
4 MET THAT MIKE JUST DISCUSSED.

5 BASICALLY, THE SECTION REMAINED UNCHANGED  
6 FROM THE LAST TIME. IT DID INCLUDE A TIME LIMIT THAT THE  
7 LEA HAS TO INSPECT THE FACILITY SO THAT CLOSURE WOULD NOT  
8 BE UNNECESSARILY OR UNDULY DELAYED AND COULD PROCEED.

9 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

10 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

11 BOARD MEMBER BREMBERG: THE ONLY THING I'M  
12 THINKING OF THERE IS ABSOLUTELY NO FLEXIBILITY IN THIS,  
13 AND I'M THINKING OF SOME OF THE NORTHERN COUNTIES WHICH  
14 MAY, BY ACCIDENT OF TONNAGE, ARRIVE AT A CERTAIN GIVEN  
15 POINT WHERE IT'S INACCESSIBLE PERHAPS OR THE LEA, THE  
16 ONLY ONE FOR THREE COUNTIES, IS ON VACATION OR -- I DON'T  
17 WANT TO HAVE A LOT OF FLEXIBILITY, BUT I THINK THERE  
18 OUGHT TO BE A WHAT IF OR AN OPPORTUNITY FOR AN EXTENSION,  
19 SAY, OF THREE OR FOUR DAYS OR SOMETHING LIKE THAT. THIS  
20 IS ABSOLUTELY INFLEXIBLE.

21 MR. VOLDEN: RIGHT. AND I THOUGHT MAYBE THE  
22 FIVE DAYS WOULD BE TOO SHORT MYSELF. BUT, GENERALLY,  
23 THAT GOES ALONG WITH THE TIME FRAMES FOR CLOSURE  
24 THAT'S --

25 BOARD MEMBER BREMBERG: I UNDERSTAND. BUT I

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 THINK THERE SHOULD BE SOME OUT AND SOME EXTRAORDINARY  
2 SITUATION WHICH VERY EASILY COULD ARISE. I DON'T MEAN IT  
3 SHOULD BE ABUSED, BUT IT SHOULD BE QUITE OBVIOUS TO ALL  
4 OF US THAT THERE ARE SITUATIONS THAT IT'S A PHYSICAL  
5 IMPOSSIBILITY TO COMPLY, AND THEN THEY WOULD BE OUT OF  
6 COMPLIANCE AND WE'D START NAGGING AT THEM.

7 MR. VOLDEN: THANK YOU.

8 MR. ORR: BEFORE WE GO TO THE NEXT SECTION THAT  
9 WE WILL BE DISCUSSING TODAY, I'D LIKE TO MENTION THAT WE  
10 REMOVED A SECTION THAT WAS NOT PARTICULARLY WELL-RECEIVED  
11 REGARDING THE REMOVAL OF LANDFILL EQUIPMENT.

12 WE'VE TOTALLY ELIMINATED THAT BECAUSE IT  
13 BECAME CLEAR IN OUR WORKSHOPS AND FROM THE PREVIOUS  
14 COMMENTS THAT WE RECEIVED THAT THAT WAS AN ISSUE DEALING  
15 WITH THE CLEANING OF LANDFILL EQUIPMENT THAT WOULD  
16 PERTAIN NOT SPECIFICALLY TO CLOSURE WHEN YOU'RE TAKING  
17 LANDFILL EQUIPMENT OFF OF THE FACILITY FOR THE LAST TIME,  
18 BUT WOULD PERTAIN TO NORMAL OPERATION AND, FOR THAT  
19 MATTER, THE GARBAGE TRUCKS THAT GO IN AND OUT OF THE  
20 LANDFILL EVERY DAY.

21 SO WE'RE PUTTING THAT SECTION ON HIATUS.  
22 AND IF WE NEED TO DISCUSS THIS AREA FURTHER, WE'LL DO  
23 THAT WITHIN THE CONTEXT OF THE OPERATING REGULATIONS.

24 CHAIRMAN GALLAGHER: BEFORE WE GO ANY FURTHER,  
25 WE'RE GETTING PRETTY WELL ALONG IN THIS. I HAVE NO



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO  
213-622-8511 714-953-4447 619-455-1997

*barristers'*  
*reporting service*

1 REQUEST BEFORE ME FOR ANYONE TO TALK ON THIS ISSUE FROM  
2 THE PUBLIC. BUT I'D RATHER, IF YOU HAVE ANY COMMENTS OR  
3 WANT TO MAKE ANY OR ASK QUESTIONS, RATHER HAVE IT DONE  
4 NOW THAN SOME FURTHER TIME DOWNSTREAM.

5 OKAY, BILL, RESUME.

6 MR. VOLDEN: WITH THAT I'LL MOVE ON TO PAGE 19,  
7 SECTION 17771, STRUCTURE REMOVAL. THE BASIC PURPOSE OF  
8 THIS REGULATION IS TO REQUIRE THAT THE OPERATORS PROVIDE  
9 FOR THE MONITORING, SECURITY AND MAINTENANCE OF LANDFILL  
10 STRUCTURES, OR REMOVE THEM UPON CLOSURE.

11 GENERALLY, THIS SECTION DID NOT CHANGE MUCH  
12 FROM THE LAST TIME. WE HAD SOME COMMENTS AT THE WORKSHOP  
13 REGARDING OUR AUTHORITY TO REQUIRE THAT THESE STRUCTURES  
14 BE REMOVED. THEY SUGGESTED THAT MAYBE WE ELIMINATE THAT  
15 SECTION ALTOGETHER.

16 I SEE IT AS WE'RE GIVING THE OPERATORS AN  
17 OPPORTUNITY TO ADDRESS THE ISSUE IN THE PLAN FOR THE  
18 MONITORING AND MAINTENANCE OF THESE FACILITIES OR THEY  
19 HAVE THE OPTION TO REMOVE THEM. SO IT'S UP TO THEM. I  
20 DON'T THINK IT EXCEEDS OUR AUTHORITY, BUT I'LL HAVE TO  
21 DEFER THAT TO OUR LEGAL COUNSEL.

22 SECTION 17772 AT THE BOTTOM OF PAGE 19 IS  
23 DECOMMISSIONING OF ENVIRONMENTAL CONTROLS. ENVIRONMENTAL  
24 CONTROL SYSTEMS OR THEIR COMPONENTS, WHEN THEY'RE  
25 DISSEMBLED, MAY COME INTO CONTACT WITH LEACHATE OR GAS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 CONDENSATE. AND IF THEY ARE SUBSEQUENTLY REUSED AT  
2 ANOTHER FACILITY, THEY MAY PRESENT A THREAT TO HUMAN  
3 HEALTH IN THE ENVIRONMENT.

4 PERSONS HANDLING THESE COMPONENTS MAY COME  
5 INTO -- MAY BE INTRODUCED -- MAY COME INTO CONTACT WITH  
6 LEACHATE OR GAS CONDENSATE RESIDUES ALSO. THE RESIDUES  
7 ALSO MAY BE INTRODUCED TO THE ENVIRONMENT DURING  
8 TRANSPORTATION TO ANOTHER FACILITY.

9 BASICALLY, SECTION 17772 STATES THAT  
10 ENVIRONMENTAL SYSTEMS AND THEIR COMPONENTS THAT HAVE COME  
11 INTO CONTACT WITH LEACHATE AND/OR GAS CONDENSATE AND ARE  
12 DISASSEMBLED AT THE TIME OF CLOSURE SHALL BE DISPOSED OF  
13 AT THE FACILITY, OR THEY MAY BE TRANSPORTED TO AND  
14 DISPOSED OF AT ANOTHER FACILITY THAT ACCEPTS SUCH  
15 MATERIALS IN A MANNER THAT DOES NOT INTRODUCE THE  
16 RESIDUES INTO THE ENVIRONMENT BEYOND THE FACILITY.

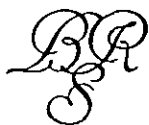
17 OR IF THEY ARE INTENDED FOR REUSE AT  
18 ANOTHER FACILITY, THEY SHALL BE CLEANED PRIOR TO REMOVAL  
19 BY A METHOD PROPOSED BY THE OPERATOR IN THE CLOSURE PLAN.  
20 SO IT'S BASICALLY UP TO THE OPERATOR WHAT HE WANTS TO DO.

21 AND THIS WAS WRITTEN IN RESPONSE TO OUR  
22 GENERAL COMMENTS AT THE WORKSHOP, JUST TO PROVIDE THE  
23 OPPORTUNITY TO DISPOSE OF THESE THINGS AND NOT  
24 NECESSARILY MANDATE OR REQUIRE THAT THEY WASH OR CLEAN  
25 EVERYTHING.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

2 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

3 BOARD MEMBER BREMBERG: HERE AGAIN, I THINK IT  
4 MIGHT NOT HURT TO JUST REFERENCE THE APPLICABLE LAWS AND  
5 PROCEDURES BY NUMBER OR SECTION. I AM FIRMLY CONVINCED  
6 THAT REPETITION AND CLARIFICATION SAVES AN AWFUL LOT OF  
7 TROUBLE DOWN LINE. AND IT DOESN'T TAKE THAT MUCH EFFORT  
8 TO PUT APPLICABLE LAWS AND PROCEDURES. YOU'VE GOT THE  
9 AUTHORITY CITED, BUT YOU DON'T HAVE THE PENALTY PHASE OR  
10 ANY OF THOSE THINGS INCLUDED, AND I THINK IT'S PROBABLY  
11 QUITE IMPORTANT JUST FOR SELF-PRESERVATION HERE.

12 MR. VOLDEN: THANK YOU.

13 MS. SCHWAB: GOOD MORNING, MR. CHAIRMAN AND  
14 MEMBERS OF THE BOARD. I'M GOING TO CONTINUE ON ON BOARD  
15 PACKET NO. 21, SECTION 17773, WHICH IS FINAL COVER.

16 NOW, THIS WAS ONE OF THE PROPOSED  
17 REGULATIONS THAT HAD NO LANGUAGE IN OUR LAST MEETING. IT  
18 HAD ISSUES AND OPTIONS, AND WE PRESENTED THOSE AND TOOK  
19 COMMENTS FROM THE BOARD. AND BETWEEN THEN AND NOW, WE'VE  
20 TAKEN ALSO WRITTEN COMMENTS AND HAVE HAD MEETINGS FROM  
21 THE PUBLIC AND OTHER STATE AGENCIES.

22 PEOPLE IN THE -- PROFESSIONALS IN THE  
23 WORKSHOPS THAT WE HAD THAT SHOWED SPECIFIC INTEREST IN  
24 SOME OF THESE TECHNICAL REGULATIONS WERE INVITED FOR --  
25 TO MEET HERE AT OUR OFFICE TO GO OVER SOME OF THESE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 REGULATIONS. SO WE DID GET INPUT. WE DISCUSSED THESE  
2 ISSUES AND OPTIONS WITH THOSE STATE AGENCIES AND  
3 PROFESSIONALS. SO WE DID GET SOME VERY GOOD INPUT.

4 WHAT I'D LIKE TO DO IS JUST GO AHEAD AND  
5 SUMMARIZE WHAT WE HAVE DECIDED TO DO WITH FINAL COVER FOR  
6 THE CLOSURE AND POSTCLOSURE OF LANDFILLS.

7 SPECIFIC FUNCTIONS OF A FINAL COVER, WHEN A  
8 LANDFILL IS BEING CLOSED, SHOULD BE DESIGNED TO MINIMIZE  
9 INFILTRATION, EXCLUDE HUMAN OR ANIMAL CONTACT WITH WASTE  
10 CONSTITUENTS, AND CONTRIBUTE TO THE CONTROL OF LANDFILL  
11 GAS EMISSIONS TO THE ENVIRONMENT.

12 WHAT WE HAVE PUT TOGETHER ARE CERTAIN  
13 FUNCTIONS THAT A FINAL COVER SHOULD ACHIEVE OR  
14 PERFORMANCE GOALS, WHICH ARE NOT NECESSARILY  
15 SITE-SPECIFIC, BUT STATEWIDE, SAYING THAT WE HAVE SO MANY  
16 DIFFERENT CLIMATES AND DIFFERENT TYPES OF LANDFILLS IN  
17 THE CALIFORNIA.

18 FOR INSTANCE, ONE OF THE FUNCTIONS WOULD BE  
19 A VEGETATIVE ZONE THAT SHALL PROVIDE SUFFICIENT THICKNESS  
20 TO PREVENT ROOTS FROM GETTING THROUGH A BARRIER ZONE,  
21 WHICH THE BARRIER ZONE WOULD PREVENT ANY TYPE OF  
22 INFILTRATION GETTING INTO THE WASTE ITSELF.

23 ANOTHER FUNCTION OF THIS VEGETATIVE ZONE  
24 WOULD BE A MEDIUM TO PROVIDE NUTRIENTS AND THINGS OF THAT  
25 NATURE TO GROW VEGETATION.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

1 AND A THIRD FUNCTION OF A VEGETATIVE ZONE  
2 WOULD BE TO HAVE A SOIL BUFFER TO PREVENT DESICCATION OF  
3 ALSO EITHER A SYNTHETIC LAYER OR CLAY LAYER, WHATEVER YOU  
4 WOULD CHOOSE TO USE FOR THE BARRIER ZONE. SO THAT'S JUST  
5 ONE EXAMPLE.

6 WHAT IT PROVIDES IS AN OPTION FOR THE  
7 ENGINEERS TO GO IN AND DESIGN A FINAL COVER USING A  
8 SYNTHETIC MATERIAL, IF THERE IS NO CLAY MATERIAL  
9 AVAILABLE, AND PROGRESS TO USE NEW TECHNOLOGY AS TIME  
10 GOES ON.

11 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

12 CHAIRMAN GALLAGHER: MS. BREMBERG:

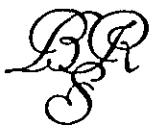
13 BOARD MEMBER BREMBERG: IF I MAY, USING OUR  
14 LANDFILL PROBLEM, THE CLOSED SECTION, I DO NOT BELIEVE  
15 THAT 2 FEET IS ENOUGH. I THINK YOU KEEP REPEATING ALL  
16 THE WAY THROUGH HERE, REUSE OF LAND, REUSE OF CLOSED  
17 LANDFILLS.

18 WHAT HAPPENED WITH OUR LANDFILL AND WHY WE  
19 ARE SPENDING \$5 MILLION TO CORRECT THE PROBLEM IS THAT,  
20 ALTHOUGH WE COMPLIED WITH STATE LAW WHEN THAT SECTION OF  
21 SCHOLL CANYON WAS CLOSED, THE REUSE WAS A GOLF COURSE.  
22 AND BECAUSE SOMEHOW, SOMEWHERE, REGULATIONS WERE NEITHER  
23 SHARED WITH OR CLEARLY DEFINED ENOUGH, THE GRADING TO  
24 MAKE THE GOLF COURSE AND SUBSEQUENT MAINTENANCE OF THE  
25 GOLF COURSE GOT DOWN TO WHERE THERE WAS 2 INCHES OF COVER

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1 AND THAT BROKE APART DURING THE EARTHQUAKE, OF COURSE,  
2 AND THAT'S WHY WE GOT THE WHOLE THING GOING.

3 I DON'T SEE THAT PARTICULAR PROBLEM  
4 ADDRESSED, AND MORE AND MORE LANDFILLS, AS THEY ARE  
5 CLOSED, ARE BEING TURNED INTO RECREATION AREAS. AND I  
6 DON'T WANT TO SEE THAT HAPPEN TO ANYBODY ELSE. I DO NOT  
7 BELIEVE THAT 2 FEET IS ENOUGH, NUMBER ONE, PARTICULARLY  
8 IN THE CANYON-TYPE OF LANDFILL, AS WE HAVE, WHERE IT IS  
9 275 FEET DEEP. YOU NEED A LOT MORE THAN 2 FEET OF FINAL  
10 COVER, AND YOU HAVE TO HAVE SOMETHING IN THERE THAT  
11 STATES THAT ON REUSE, THAT MUST BE MAINTAINED SO THAT  
12 THAT YOU COULD GO TO 6 FEET UP, BUT NOT TAKE IT DOWN TO  
13 GRADE AND CONTOUR FOR RECREATION USE.

14 NOW, I DON'T KNOW HOW YOU ARE GOING TO WORD  
15 IT OR WHAT YOU'RE GOING TO THINK ABOUT IT. I KEPT HOPING  
16 IT WOULD SHOW UP IN HERE, AND I READ THESE TWICE, AND I  
17 DON'T SEE ANYTHING LIKE THAT SHOWING UP.

18 AND I'M NOT CASTIGATING OUR PARKS  
19 DEPARTMENT, WHO DID THIS, OR THE PUBLIC WORKS DEPARTMENT,  
20 WHO DIDN'T PAY ANY ATTENTION TO WHAT THEY'RE DOING. I  
21 DID THAT AT HOME. I'M JUST SAYING IN THE FUTURE SOMEBODY  
22 HAS GOT TO COMMUNICATE OR HAVE SOME REGULATIONS SO THAT  
23 THEY UNDERSTAND THAT THIS IS AN INCREDIBLY SERIOUS  
24 PROBLEM THAT COST MY CITY \$5 MILLION TO CORRECT, AND I'D  
25 HATE TO SEE THAT HAPPEN TO A CITY THAT DIDN'T HAPPEN TO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*



1 HAVE THE \$5 MILLION.

2 CHAIRMAN GALLAGHER: YOU WANT TO RESPOND TO  
3 THAT, BILL? TWO OTHER QUESTIONS RIGHT BEHIND IT.

4 MR. ORR: I'LL RESPOND TO THAT IN TWO PARTS.  
5 FIRST OF ALL, THE 2 FEET IS THE BASIC THICKNESS THAT  
6 WOULD BE REQUIRED ON ALL LANDFILLS REGARDLESS OF WHETHER  
7 THEY WERE INTENDED FOR FUTURE RECREATIONAL USE OR NOT.

8 AND EACH OF THESE SECTIONS WHERE WE TALK  
9 ABOUT DIFFERENT TYPES OF PERFORMANCE OR DIFFERENT  
10 FUNCTIONS, IT INCREASES THE THICKNESS BEYOND THE 2 FEET.  
11 FOR EXAMPLE, YOU MIGHT FIND THAT TO ESTABLISH THE  
12 VEGETATION AND NOT HAVE THE ROOTS GROW INTO THE HYDRAULIC  
13 BARRIER ZONE THAT KIM REFERRED TO, YOU MAY HAVE TO HAVE 5  
14 FEET OF THAT. AND IF YOU ARE GOING TO HAVE A GOLF COURSE  
15 WITH TREES, YOU MAY HAVE TO HAVE 10 FEET IN CERTAIN  
16 AREAS.

17 BOARD MEMBER BREMBERG: I UNDERSTAND THAT. BUT  
18 THERE IS NOTHING THAT SAYS YOU CAN'T CHANGE OR RECONTOUR  
19 OR REORGANIZE AS SUBSIDANCE TAKES PLACE. THAT'S WHAT  
20 HAPPENED TO OUR GOLF COURSE. THE NO. 5 GREEN, YOU'D PUTT  
21 UP AND YOUR BALL WOULD ROLL BACK TO YOU. AND SO THEY  
22 GRADED AND RESTRUCTURED AND SO FORTH.

23 I UNDERSTAND WHY LANDSCAPE GARDENERS AND  
24 THE PEOPLE THAT WERE DOING THIS -- REALLY TRULY, GOLF  
25 COURSE MANAGERS DON'T UNDERSTAND LANDFILLS. AND I

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 UNDERSTAND THAT YOU MAY HAVE TO HAVE 10 FEET OR 20 FEET,  
2 BUT DON'T PUT THE 10 FEET UP AND THEN WATCH IT SUBSIDE TO  
3 3 AND THEN GRADE IT.

4 MR. ORR: RIGHT. I THINK THE OTHER AREA THAT  
5 WE'VE ATTEMPTED TO ADDRESS THIS IS, IF YOU LOOK AT  
6 SECTION K WHERE IT -- OR -- YEAH, SECTION K, WHERE IT  
7 REFERENCES THE POSTCLOSURE LAND USE SECTION, WE'RE A LOT  
8 MORE SPECIFIC IN THAT POSTCLOSURE LAND USE SECTION ABOUT  
9 HOW WE DESCRIBE AS TO PRESERVE THE INTEGRITY OF THE FINAL  
10 COVER. AND WHAT YOU ARE TALKING ABOUT IS THE DISRUPTION  
11 OF THE INTEGRITY OF THAT FINAL COVER.

12 BOARD MEMBER BREMBERG: I LOOKED AT THAT, AND I  
13 DIDN'T THINK YOU ADDRESSED IT SERIOUSLY ENOUGH.

14 MR. ORR: WE ARE VERY SERIOUS ABOUT THIS WHOLE  
15 AREA, AND WE WILL LOOK AT IT FURTHER TO PROVIDE THOSE  
16 KIND OF PROTECTIONS. BUT THAT IS AN AREA THAT WE ARE  
17 VERY CONCERNED ABOUT.

18 BOARD MEMBER BREMBERG: WELL, WE'RE BACK TO WHAT  
19 PHIL SAID, THE PEOPLE THAT ARE READING AND INTERPRETING  
20 THIS MAY NOT BE THE PROFESSIONALS -- YOU KNOW, I'M  
21 GETTING BACK TO GOLF CLUB -- GOLF COURSE MANAGERS.

22 CHAIRMAN GALLAGHER: BE SURE WE TAKE CARE OF  
23 THOSE GOLF COURSES BECAUSE I'LL TELL YOU SOMETHING, I'VE  
24 GOT WEDGE SHOTS THAT SOMETIMES DIG IN 2 FEET, AND I DON'T  
25 WANT --

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 MR. MOSCONE HAS A QUESTION.

2 BOARD MEMBER MOSCONE: I'M SORRY TO BOUNCE YOU  
3 BACK. MY QUESTION WAS ON (C) OF 773. I THINK I  
4 UNDERSTAND WHAT IS MEANT IN THESE THREE PARAGRAPHS, BUT  
5 WOULD YOU -- AND PROBABLY I MISUNDERSTOOD SUBCHAPTER 15,  
6 BUT COULD YOU BRIEFLY GO OVER WHAT THIS MEANS, OR HAVE  
7 YOU ANSWERED MY QUESTION WITH MRS. BREMBERG'S QUESTION?

8 MS. SCHWAB: DO YOU MEAN PAGE 21?

9 BOARD MEMBER MOSCONE: RIGHT.

10 MS. SCHWAB: A, B, C.

11 BOARD MEMBER MOSCONE: THE TOP OF 21. THAT  
12 SECTION, THOSE TWO PARAGRAPHS THERE.

13 MR. ORR: YOU ARE REFERRING TO THE DESCRIPTIVE  
14 PORTION ON THE TOP OF PAGE 21 WHERE IT TALKS ABOUT  
15 SUBCHAPTER 15, HOW HAS THAT BEEN ACCOMMODATED?

16 BOARD MEMBER MOSCONE: THAT'S RIGHT.

17 MR. ORR: THE WAY THAT WE'VE ACCOMMODATED THIS,  
18 AND KIM WILL PROBABLY TALK ABOUT THIS A LITTLE BIT  
19 FURTHER IN TERMS OF WHAT WE DO FROM HERE, BUT THE  
20 APPROACH HAS BEEN THAT SUBCHAPTER 15 CALLS OUT A  
21 PRESCRIPTIVE STANDARD WITH 1-FOOT AND 1-FOOT AND THEN  
22 2- FEET LAYERS.

23 THE TWO THINGS THAT WE'VE DONE IS, FIRST OF  
24 ALL, WE'VE COME UP WITH A CONCEPT THAT WE CALL ZONES  
25 INSTEAD OF LAYERS. AND A ZONE CAN BE A LAYER, OR IT

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 COULD BE THE SAME MATERIAL, BUT IT'S GOING TO FUNCTION IN  
2 A DIFFERENT MANNER.

3 SO ONE OF THE COMMENTS THAT WE'VE RECEIVED  
4 EXTENSIVELY FROM THE SOUTHERN CALIFORNIA COUNTIES IS  
5 CAN'T WE MAKE A THICK MONOLAYER COVER THAT WILL PROVIDE  
6 THESE VARIOUS FUNCTIONS. AND SO, IN PART, WHAT WE'RE  
7 DOING BY HAVING THESE ZONES IS HAVE AREAS THAT ARE  
8 IDENTIFIED TO PERFORM LIKE THE SUBCHAPTER 15 COVER, BUT  
9 THEY MAY NOT ACTUALLY BE DISCRETE LAYERS. THEY MAY BE  
10 COMPOSED OF THE SAME MATERIALS.

11 THE SECOND THING THAT WE'VE DONE IS, IN  
12 TERMS OF EVALUATING HOW THE SUBCHAPTER 15 COVER ACTUALLY  
13 PERFORMS, AND KIM -- I'LL HAVE HER TALK ABOUT THAT A  
14 LITTLE BIT. BUT WE'VE OBTAINED A WATER-BALANCE MODEL AND  
15 MODELED THE SUBCHAPTER 15 COVER UNDER A CERTAIN SET OF  
16 CIRCUMSTANCES, AND THAT'S WHERE OUR INFILTRATION STANDARD  
17 HAS COME FROM THAT WE'RE USING AS OUR MEASURE OF  
18 PERFORMANCE RATHER THAN THE SPECIFIC LAYER THICKNESSES.

19 NOW, THIS, WE BELIEVE, CAN BE ACCOMMODATED  
20 UNDER SUBCHAPTER 15 AS WELL THROUGH A VARIANCE PROCEDURE  
21 THAT THEY HAVE FOR ENGINEERED ALTERNATIVES THAT'S FOUND  
22 IN SECTION 2510(B) OF SUBCHAPTER 15. SO THOSE ARE THE  
23 TWO MAJOR THINGS THAT WE'VE DONE TO DEAL WITH THE  
24 RELATIONSHIP BETWEEN OUR PERFORMANCE ORIENTATION AND THE  
25 CURRENT SUBCHAPTER 15 REQUIREMENTS. AND I'LL HAVE KIM

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO  
213-622-8511 714-953-4447 619-455-1997



*barristers'*  
*reporting service*

1 TALK ABOUT THOSE ACTUAL DETAILS FURTHER.

2 CHAIRMAN GALLAGHER: MR. CALLOWAY.

3 BOARD MEMBER CALLOWAY: I'M GOING -- MR.

4 CHAIRMAN, I WANT TO GO BACK TO MRS. BREMBERG'S QUESTION  
5 ON THE MINIMUM COVERAGE AND THE DIFFERENT USE. AND WE  
6 HAD A SIMILAR SITUATION IN OUR CITY, AND WE FINALLY WOUND  
7 UP WITH A PARK THAT WAS A BIRD WATCHING PARK, LITERALLY,  
8 AND WE USED A MINIMUM OF 2 FEET THERE, AND IT'S WORKED  
9 VERY WELL FOR US. EXCEPT IN AREAS WHERE WE HAD TO PLANT  
10 TREES, WE DUG THIS OUT AND WENT DOWN FARTHER AND BROUGHT  
11 IMPORTED FILL -- IMPORTED MATERIALS TO DO THIS. IT  
12 WORKED OUT VERY WELL.

13 BUT I UNDERSTAND WHAT YOU'RE SAYING ABOUT  
14 GOLF COURSE. GOLF COURSE IS COMPLETELY DIFFERENT SUBJECT  
15 ALTOGETHER. I THINK YOU SHOULD LOOK AT THE USE. I THINK  
16 WHAT OUR REGULATIONS ARE HERE AND INTENDED TO BE IS THE  
17 VERY MINIMUM REQUIREMENT TO BE DONE FOR CLOSURE, AND THEN  
18 THE MUNICIPALITY OR WHOEVER WILL THEN BRING IN OR IMPORT  
19 THE MATERIALS NECESSARY TO ACCOMMODATE WHATEVER USE THEY  
20 HAVE OR PLAN ON USING IT FOR. AND -- BUT YOU ARE  
21 ABSOLUTELY RIGHT.

22 THIS WAS A BIG DISCUSSION ABOUT WHETHER WE  
23 HAD A GOLF COURSE OR WHETHER WE HAD -- WHAT I CALL A BIRD  
24 WATCHING PARK. IT'S FOR BIRD WATCHERS WHO WANT TO GO OUT  
25 THERE. I'M NOT A BIRD WATCHER; I'M A GOLFER. BUT IT'S

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

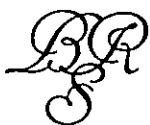
1 USING THE WORD LOOSELY, BUT THE BIG DISCUSSION WAS ABOUT  
2 THE COST AND THE MATERIALS THAT YOU WOULD HAVE TO BRING  
3 IN FOR A GOLF COURSE. AND SO THAT WAS FINALLY GIVEN UP  
4 ON, BUT THAT WAS JUST AN EXPERIENCE WE HAD, AND I THOUGHT  
5 MIGHT BE OF INTEREST.

6 CHAIRMAN GALLAGHER: YES, MR. BEAUTROW.

7 BOARD MEMBER BEAUTROW: THIS WHOLE ISSUE OF  
8 COVER IS PROBABLY THE MOST EXPENSIVE THING THAT'S  
9 ASSOCIATED WITH LANDFILLS. AND YOU REMEMBER WE TOOK THE  
10 FIELD TRIP DOWN TO VENTURA, AND IN THAT PARTICULAR CASE  
11 THEY CAN'T GET THE MATERIAL OUT OF THE RIVER. THEY'VE  
12 GOT TO IMPORT IT AND TRUCK IT IN. AND WE'VE GOT THAT  
13 CIRCUMSTANCE IN A LOT OF PLACES.

14 BUT I STILL AM ONE FOR RECOGNIZING THE  
15 DIVERSE CLIMATE IN THE STATE, AND I BELIEVE THAT THE 2  
16 FEET IN SOME INSTANCES IS APPROPRIATE AND IN SOME PLACES  
17 IT'S NOT. AND I STILL AM CONFUSED WITH THE INTERFACE  
18 BETWEEN WHAT THE WATER BOARD REQUIRES UNDER SUBCHAPTER 15  
19 AND WHAT THESE REGULATIONS -- I STILL -- WHO'S IN CONTROL  
20 HERE, OR WHO IS DESIGNATING WHAT -- WHAT YOU ARE GOING TO  
21 DO? I MEAN, I'M STILL CONFUSED ABOUT THAT.

22 FURTHERMORE, I REMEMBER A CASE SPECIFICALLY  
23 WHERE WE DID THIS WATER BALANCE BUSINESS AND THEY JUST  
24 SIMPLY WOULDN'T ACCEPT IT. AND THEY SAID THE OLD  
25 MODELS -- THAT'S WHAT THEY ARE; THEY'RE OLD. AND IT WAS



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 EPA AND DONE IN 1974, AND THERE'S BA-BA-BA, AND THERE'S  
2 SO MANY VARIABLES, BUT I STILL THINK THERE NEEDS TO BE  
3 MORE CLARIFICATION HERE. IT'S SO OBTUSE AND CONFUSING;  
4 AND, AGAIN, I'M GOING TO GET BACK TO SOMETHING IN PLAIN  
5 ENGLISH. BUT, PLEASE, AFTER ALL OF THIS, WE NEED MORE  
6 CLARIFICATION BECAUSE OF THE IMPACT STATEWIDE ON THIS AND  
7 THE UNDERSTANDING AND -- LIKE, YOU PLANT TREES IN A  
8 LANDFILL AND THE GASES COME UP AND KILL AND YOU SEE THE  
9 BROWN TREES. SO, APPARENTLY, THERE'S SOME CASES, NO  
10 MATTER HOW THICK IT IS, THE ROOTS CAN GO DOWN AND YOU'VE  
11 LOST THE VEGETATION.

12 FINALLY, IF THE WATER BOARD HAD THEIR  
13 DRUTHERS, THERE WOULD BE NO GOLF COURSES ON LANDFILLS  
14 BECAUSE APPLYING IRRIGATION WATER IS SOMETHING THAT THEY  
15 DON'T LIKE BECAUSE OF THE -- YOU KNOW, THE CONTROLS AND  
16 EVERYTHING. SO ALL I DO IS PLEAD FOR MORE CLARITY AND  
17 PRACTICALITY AND SPECIFICITY, AND TO KNOW WHERE WE'RE  
18 HEADED WITH THIS BECAUSE I'M STILL CONFUSED, PLEASE.

19 MR. EOWAN: WELL, THE WATER BOARD DOES HAVE  
20 THEIR DRUTHERS. THAT'S THE SHORT ANSWER. THIS DOESN'T  
21 TAKE AWAY ANY AUTHORITY FROM THE WATER BOARD. THAT'S IN  
22 THE LAW. AB 2448 SAYS WE CANNOT CONFLICT OR DUPLICATE  
23 WHAT THEY'RE DOING; AND, IN ADDITION, THEY HAVE COMPLETE  
24 REVIEW AND APPROVAL AUTHORITY OVER THE WATER PORTION OF  
25 THE CLOSURE PLAN.

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 BOARD MEMBER BEAUTROW: WELL, DOES THAT MEAN  
2 THAT WE'RE GOING AHEAD WITH ALL OF THESE DETAILS, AND IT  
3 COULD POSSIBLY CONFLICT AND THEY SAY --

4 MR. EOWAN: NO.

5 BOARD MEMBER BEAUTROW: I MEAN, SAY AN OPERATOR  
6 GOES THROUGH ALL OF THIS AND THEY DESIGN ALL OF THIS AND  
7 THEY COME UP WITH A CLOSURE, AND THE WATER BOARD SAYS,  
8 "FINE, NO GOOD. DO IT THIS WAY." I MEAN IS THAT A  
9 POSSIBILITY?

10 MR. EOWAN: THIS WILL NOT CONFLICT WITH THE  
11 WATER BOARD. WE DESIGNED THE LAW SO THAT THERE IS A  
12 SPECIFIC AREA OF THE CLOSURE PLAN THAT THE WATER BOARD  
13 HAS COMPLETE JURISDICTION OVER. WE WILL THEN RECEIVE THE  
14 ENTIRE PLAN WITH THEIR APPROVAL OF THAT PORTION.

15 BOARD MEMBER MOSCONE: I THINK IN SOME RESPECT,  
16 I GUESS, THEY LIKE THE DROUGHT.

17 CHAIRMAN GALLAGHER: CAN WE MOVE ALONG?

18 MS. SCHWAB: OKAY. LET ME GO AHEAD. AND IF YOU  
19 ON YOUR HANDOUT, GO TO PAGE 3, I'VE PUT TOGETHER A FINAL  
20 COVER INFILTRATION RATE CHART. YOU WILL SEE ON THE LEFT  
21 CORNER LOS ANGELES IS WHERE WE CAME UP WITH OUR 2.8  
22 INCHES, WHICH WOULD BE THE MINIMUM INFILTRATION.

23 BOARD MEMBER BREMBERG: YOU'RE TALKING THE  
24 COUNTY?

25 MS. SCHWAB: THE LOS ANGELES AREA. WE THOUGHT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*



1 THAT THAT HAD A LARGER AMOUNT OF LANDFILLS, SOME OF THE  
2 LARGER LANDFILLS.

3 BOARD MEMBER BREMBERG: WELL, YOU'VE GOT CITIES  
4 MORE OR LESS. YOU SHOULD PUT COUNTY BECAUSE L.A. CITY  
5 ONLY HAS ONE ACTIVE LANDFILL UNDER THEIR JURISDICTION.

6 MS. SCHWAB: THIS INFORMATION CAME FROM A  
7 WEATHER STATION THAT DEALS WITH RAINFALL DATA. AND BY  
8 USING THIS HELP MODEL, THE WATER BUDGET MODEL, IT GAVE US  
9 CITIES TO USE, AND WE CHOSE TO USE THIS LOS ANGELES. SO  
10 THE INFORMATION COMES FROM A WEATHER STATION WHERE THEY  
11 GET MEAN ANNUAL RAINFALL.

12 ALSO, THE OTHER CITIES -- YOU CAN SEE THAT  
13 BAKERSFIELD AND FRESNO, WHO ARE IN DRYER CLIMATES,  
14 OBVIOUSLY, USING THE SUBCHAPTER 15 PRESCRIPTIVE STANDARD,  
15 WHICH IS WHAT THE INFORMATION I PUT INTO THIS WATER  
16 BUDGET MODEL TO SHOW WHAT WOULD INFILTRATE INTO THAT  
17 PARTICULAR SYSTEM AND IN THESE DIFFERENT CLIMATES WITH  
18 DIFFERENT RAINFALL.

19 IF YOU LOOK ACROSS, YOU'LL SEE THAT SAN  
20 FRANCISCO BLUE CANYON, WHICH IS IN THE SIERRA NEVADAS,  
21 AND EUREKA OBVIOUSLY HAVE A HIGHER RAINFALL; THUS, USING  
22 THE SUBCHAPTER 15 DATA, MORE WATER WOULD INFILTRATE INTO  
23 THE WASTE AND CREATE MORE LEACHATE.

24 BOARD MEMBER BREMBERG: YESTERDAY I WAS TALKING  
25 TO THE MAYOR OF EUREKA AT A LEAGUE CONFERENCE, AND THEY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 HAVE ALREADY HAD 23 INCHES OF RAIN THIS YEAR. SO THEY'RE  
2 INFILTRATION RATE IS PRETTY RAPID IF THEY'RE GETTING 50  
3 PERCENT.

4 MS. SCHWAB: YES. WHAT WE PROPOSE IS THIS 2.8  
5 INCHES BE THE ACCEPTABLE LEVEL. ANYTHING ABOVE THAT  
6 WOULD BE UNACCEPTABLE, AND THEY WOULD HAVE TO THEN GO  
7 AHEAD AND DESIGN THEIR FINAL COVER TO ACCOMMODATE THAT  
8 EXTRA RAINFALL, WHETHER IT BE 15 FEET OF EARTHEN MATERIAL  
9 OR A THICKER CLAY LAYER COMPACTED TO A LOWER  
10 PERMEABILITY. WHATEVER IT TAKES.

11 AND THAT'S WHAT -- WE'RE TRYING TO WORK  
12 WITH ALL THESE DIFFERENT LANDFILL SITES BECAUSE OF THE  
13 DIFFERENT CLIMATES. WE'RE GIVING THEM AN OPTION TO PUT  
14 TOGETHER WHATEVER TYPE OF COVER WILL WORK. WE HAVE TO  
15 GIVE THEM SOME KIND OF MINIMUM, SEEING THAT SUBCHAPTER 15  
16 IS PRESCRIPTIVE. IN A DRY CLIMATE THAT MIGHT WORK FINE;  
17 BUT IF THERE'S MORE RAINFALL, THEY'VE GOT TO ACCOMMODATE  
18 THAT.

19 CHAIRMAN GALLAGHER: MR. EDGAR FROM KERN COUNTY  
20 WOULD LIKE TO MAKE SOME COMMENTS ON THIS PARTICULAR  
21 ISSUE. LET'S HEAR HIM NOW SO THAT WHEN WE MOVE ALONG WE  
22 WILL BE ABLE TO --

23 MR. EDGAR: THANK YOU, MR. CHAIRMAN, BOARD  
24 MEMBERS. I'M FROM THE BAKERSFIELD AREA, AND WE GET .62  
25 INCHES PER YEAR. AND THE WAY I READ THIS, HE SAID IT WAS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Harristers'*  
*reporting service*

1 A LITTLE CONFUSING, JUST NEEDS A LITTLE CLARIFICATION.

2 WHEN I DESIGNED MY FINAL COVER INFILTRATION  
3 RATES, WOULD I HAVE TO DESIGN FOR THAT .62 INCHES PER  
4 YEAR BECAUSE IF YOU CALCULATE IT OUT, THAT'S FIVE TIMES  
5 TEN TO THE NEGATIVE EIGHT CM PER SECONDS; WHEREAS, THE  
6 SUBCHAPTER 15 PERSCRIPTIVE RATES ARE ONE TIMES TEN TO THE  
7 NEGATIVE SIX CM PER SECONDS. SO IF I HAVE TO DESIGN FOR  
8 .62, THEN I GO FAR BEYOND SUBCHAPTER 15. I NEED A  
9 CLARIFICATION ON THAT.

10 CHAIRMAN GALLAGHER: BILL. I SURE AS HELL CAN'T  
11 ANSWER YOU.

12 MR. ORR: SO WHAT WE'VE DONE HERE IS WE'VE  
13 MODELED -- WE'VE MODELED THE INFILTRATION USING THE  
14 SUBCHAPTER 15 DESIGN. ARE YOU SAYING THAT YOU DESIGNED  
15 YOUR LANDFILL TO THE SUBCHAPTER 15 DESIGN, AND YOU GOT A  
16 DIFFERENT INFILTRATION RATE THAN WE SHOW HERE?

17 MR. EDGAR: WELL, WHEN I WAS READING THIS CHART,  
18 I WAS WONDERING IF I HAD TO -- IF I WERE TO DESIGN A  
19 FINAL COVER, IF I HAD TO DESIGN IT FOR .62 INCHES PER  
20 YEAR? THAT WAS MY MINIMUM DESIGN CRITERIA.

21 MS. SCHWAB: NO. THAT IS JUST SHOWING -- THE  
22 INFORMATION FROM SUBCHAPTER 15, USING THE RAINFALL FROM  
23 BAKERSFIELD, COMES UP WITH LOWER THAN THE ACCEPTED LEVEL.  
24 THAT SHOWS THAT YOU ARE IN GOOD SHAPE AND YOU ARE FINE.

25 MR. ORR: YOU CAN EITHER USE THE 1-FOOT

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*Harrist's*  
*reporting service*

1       PRESCRIPTIVE STANDARD, IF YOU LIKE, OR YOU WOULD BE ABLE  
2       TO USE A LESSER QUALITY MATERIAL TO ALLOW UP TO THE 2.8  
3       INCHES.

4               MR. EDGAR: THAT'S WHAT I NEEDED CLARIFICATION  
5       ON IT. THANK YOU.

6               CHAIRMAN GALLAGHER: THANK YOU.

7               MS. SCHWAB: I'D LIKE TO ALSO MENTION THAT THIS  
8       HELP MODEL, WHICH MEANS HOW TO HYDROLOGIC EVALUATION OF  
9       LANDFILL PERFORMANCE, WAS DEVELOPED BY THE ARMY CORPS OF  
10      ENGINEERS FOR EPA, AND IT IS A 1988 REVISED MODEL WHICH  
11      HAS BEEN TESTED AND VERIFIED THROUGHOUT THE UNITED  
12      STATES. CALIFORNIA IS NOT THE ONLY PLACE WHERE THEY LIST  
13      ALL THESE DIFFERENT CITIES.

14              ARE THERE ANY OTHER QUESTIONS ON FINAL  
15      COVER? I THINK WE SORT OF HIT THE MAIN POINTS,  
16      CONTROVERSIAL POINTS.

17              BOARD MEMBER BREMBERG: ARE WE GOING TO RESOLVE  
18      THOSE?

19              MS. SCHWAB: OF COURSE. WE'RE TAKING COMMENTS  
20      FROM PRIVATE INDUSTRY, YES. I BELIEVE BILL HAS PUT A  
21      DATE ON THAT OF THE END OF FEBRUARY. AND AFTER THAT  
22      POINT, WE'LL INCORPORATE ALL OF YOUR COMMENTS AND WHAT  
23      INDUSTRY COMES UP WITH AND THE WATER BOARD.

24              CHAIRMAN GALLAGHER: WE BETTER MOVE AHEAD BEFORE  
25      SOMEBODY CHANGES THEIR MIND.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES   ORANGE COUNTY   SAN DIEGO  
213-622-8511   714-953-4447   619-455-1997

*Harristers'*  
*reporting service*

1 MS. SCHWAB: OKAY. CONSTRUCTION QUALITY  
2 ASSURANCE, SECTION 17774, WHICH DEALS STRICTLY WITH THE  
3 FINAL COVER.

4 TO SUMMARIZE WHAT THIS SECTION INCORPORATES  
5 IS THAT WE WANT TO MAKE SURE THAT THERE ARE -- THE  
6 MATERIALS IN THE PROCEDURES UTILIZED IN PLACING THE FINAL  
7 COVER ARE TESTED, CONSTRUCTED, AND MONITORED IN  
8 ACCORDANCE WITH THE DESIGN SPECIFICATIONS.

9 WE ALSO WANT TO ENSURE THAT THOSE PEOPLE  
10 THAT ARE IN CHARGE OF EITHER INSPECTIONS OR TESTING AND  
11 THINGS OF THAT NATURE ARE EITHER CERTIFIED OR ACCEPTED  
12 CONTRACTORS, THAT THEY VERIFY THAT THEY HAVE EXPERIENCE  
13 IN THIS. ALSO, THAT THE CQA OFFICER SIGN OFF ON ANY  
14 INSPECTIONS.

15 ONE THING I'D LIKE TO HIGHLIGHT IS THAT  
16 DURING THE TESTING PROCEDURES, THERE SHOULD BE A PASS OR  
17 FAIL CRITERIA FOR THE SAMPLING AND TESTING METHODS TO  
18 ACHIEVE THIS FINAL COVER DESIGN, AND THAT THEY COME UP  
19 WITH SOME TYPE OF CORRECTIVE PROCEDURE TO BE USED UPON  
20 FAILURE OF A PARTICULAR TEST.

21 SAY, THEY RUN A TEST TWO OR THREE TIMES AND  
22 IT KEEPS FAILING. WELL, THEY'RE GOING TO HAVE TO COME UP  
23 WITH EITHER REDOING THAT PORTION OF THE FINAL COVER OR  
24 WHATEVER THEY PROPOSE. THEY CAN'T JUST GO AHEAD AND HAVE  
25 TEST FAILURES WITHOUT CORRECTING IT.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 ANOTHER SECTION GOES THROUGH AND LISTS ALL  
2 THE DIFFERENT TYPES OF TESTS THAT WE RECOMMEND THAT THEY  
3 USE, WHICH ARE COMMON TO THE ENGINEERING WORLD, AND THEY  
4 COME FROM ASTM, WHICH IS A RECOGNIZED STANDARD TESTING  
5 SOCIETY THAT PUTS OUT BOOKS THAT ALL ENGINEERS FOLLOW.

6 AND GOING ON FROM THAT POINT, WE WANT TO  
7 ENSURE THAT ALL THE DOCUMENTATION IS COVERED, SAY, DAILY  
8 DOCUMENTATION, INSPECTION RECORDS, AND THINGS OF THAT  
9 NATURE, THE RECORDKEEPING IS ALL TAKEN CARE OF AND SIGNED  
10 OFF OF AND APPROVED.

11 SO, IN THE LONG RUN, WHAT WE'RE ASKING IS  
12 THAT THE OPERATOR AND ALL OF THOSE PROFESSIONALS INVOLVED  
13 IN DESIGNING AND PLACING THE FINAL COVER DOCUMENT WHAT  
14 THEY HAVE DONE AND IT IS WHAT THEY PROPOSED TO DO, THAT  
15 IT IS UP TO THEM TO PROVE TO US THAT THEY HAVE  
16 ACCOMPLISHED THIS.

17 ARE THERE ANY QUESTIONS ON THIS SECTION?

18 BOARD MEMBER MOSCONE: I HAVE A QUESTION HERE.

19 CHAIRMAN GALLAGHER: MR. MOSCONE.

20 BOARD MEMBER MOSCONE: I DON'T KNOW -- BUT,  
21 ANYHOW, IT'S ON PAGE 22, 2 CAPITAL A.

22 MS. SCHWAB: 22?

23 BOARD MEMBER MOSCONE: 2 AND CAPITAL A BELOW IT,  
24 PAGE 22.

25 MS. SCHWAB: BOARD PACKET PAGE 22?

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

*Barristers'*  
*reporting service*

1 BOARD MEMBER MOSCONE: BOARD PACKET PAGE 22.

2 MS. SCHWAB: OKAY. 2 A?

3 BOARD MEMBER MOSCONE: 2 A.

4 MS. SCHWAB: THIS ZONE SHALL HAVE A MINIMUM  
5 THICKNESS OF 6 INCHES --

6 BOARD MEMBER MOSCONE: THE LAST SENTENCE, THE  
7 INFILTRATION RATE SHALL BE MEASURED --

8 MS. SCHWAB: IN SITU, WHICH MEANS IN PLACE. DO  
9 YOU WANT ME TO CHANGE THAT?

10 BOARD MEMBER MOSCONE: WELL, I DIDN'T KNOW WHAT  
11 IT MEANT. SO I MARKED IT OFF, AND I HAD A QUESTION MARK  
12 THERE BECAUSE I JUST WANTED TO KNOW WHAT IT MEANT.

13 MS. SCHWAB: IT MEANT IN PLACE IN THE FIELD.

14 CHAIRMAN GALLAGHER: IF IT HAD SAID IN SITE, I  
15 WOULD HAVE KNOWN, BUT IN SITU I DIDN'T --

16 MS. SCHWAB: WE'LL CONSIDER THAT COMMENT.

17 BOARD MEMBER MOSCONE: I THINK IT'S -- I PICKED  
18 IT UP IN ONE OR TWO OTHER PLACES.

19 MS. SCHWAB: IT'S A COMMONLY USED TERM.

20 BOARD MEMBER MOSCONE: THANK YOU.

21 MS. SCHWAB: ALL RIGHT. WE'LL GO ON TO FINAL  
22 GRADING, SECTION 17776. THE FINAL GRADING STANDARD  
23 PROPOSES THAT THE FACILITY SHALL BE DESIGNED SO THAT THE  
24 FINAL GRADES SERVE THE FOLLOWING FUNCTIONS:

25 ONE IS TO PREVENT PONDING, WHICH A LOT OF

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 TIMES ON GOLF COURSES THEY PUT IN PONDS; TO MINIMIZE  
2 INFILTRATION AND REDUCE SUBSEQUENT DIFFERENTIAL SETTLING;  
3 AND REDUCTION OF RUNOFF VELOCITIES TO PROTECT THE FINAL  
4 COVER FROM SOIL EROSION, WHICH MEANS IF YOU HAVE STEEP  
5 SLOPES AND THEY'RE NOT PROTECTED, THE WATER IS GOING TO  
6 RUN OFF FAST AND CREATE REELS AND GULLIES.

7 WHAT WE PROPOSE IS TO HAVE A MINIMUM GRADE  
8 OF 3 PERCENT; AND DEPENDING ON POSTCLOSURE LAND USE,  
9 LESSER GRADES MAY BE CONSTRUCTED IF THIS SURFACE RUNOFF  
10 IS DIVERTED OR ACCOMMODATED IN THE FINAL DRAINAGE SYSTEM,  
11 OR OTHER MITIGATION MEASURES, SUCH AS PUMPING THE WATER  
12 OUT, WHATEVER IT TAKES.

13 WE ALSO PROPOSE THAT THE OPERATOR PREPARE  
14 VOLUMETRIC MEASUREMENTS OF THE FINAL SITE CONFIGURATION.  
15 WHAT THEY WOULD NEED TO DO THAT IS TO PUT UP TWO  
16 PERMANENT MONUMENTS, AT LEAST, IN UNDISTURBED GROUND,  
17 WHICH MEANS NOT ON THE WASTE, FOR ELEVATION REFERENCES  
18 AND HAVE EVERY FIVE YEARS THROUGHOUT THE POSTCLOSURE  
19 MAINTENANCE PERIOD, DO AN AERIAL PHOTO SURVEY TO ALSO  
20 CHECK OUT WHAT IS HAPPENING ON THE LANDFILL.

21 WITH THIS INFORMATION, WE ARE REQUIRING  
22 THAT THEY PUT TOGETHER MAPS. INITIALLY, WHEN THEY  
23 DESIGNED THE LANDFILL, THEY SHOULD BE PROPOSING THIS  
24 MINIMUM 3 PERCENT GRADE AND WHAT THE FINAL CONFIGURATION  
25 WILL ACTUALLY LOOK LIKE.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*



1                   SO BY DOING THIS SURVEY, FOR INSTANCE, THE  
2 AERIAL PHOTO SURVEY EVERY FIVE YEARS, THEY'LL BE ABLE TO  
3 SEE HOW THIS LANDFILL IS SETTLING AND MONITOR IT, COMPARE  
4 THAT WITH THE INITIAL MAP THEY COME UP WITH.

5                   BOARD MEMBER BREMBERG: MR. CHAIRMAN.

6                   CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

7                   BOARD MEMBER BREMBERG: POINT NO. 3 ON PAGE 29,  
8 AN ISO-SETTLEMENT MAP SHALL BE PRODUCED SHOWING THE  
9 CHANGE. I THINK THAT'S OUTSTANDING AND IT OUGHT TO BE  
10 THERE. MY POINT IS WHY NOT 3(A)? WHAT DO YOU DO IF YOU  
11 DISCOVER THROUGH THIS THAT YOU HAVE INADVERTENTLY GONE  
12 INTO NONCOMPLIANCE OR VIOLATION?

13                   MR. ORR: THAT'S A GOOD POINT. WHAT YOU  
14 BASICALLY WOULD DO IS YOU WOULD HAVE TO DEAL WITH THAT IN  
15 THE POSTCLOSURE MAINTENANCE ARENA, AND SO I THINK IT  
16 WOULD BE APPROPRIATE FOR US TO REFERENCE WHERE YOU WOULD  
17 GO FROM THERE.

18                   BOARD MEMBER BREMBERG: THANK YOU.

19                   CHAIRMAN GALLAGHER: THANK YOU, MS. BREMBERG.

20                   MS. SCHWAB: ANY OTHER QUESTIONS CONCERNING THIS  
21 SECTION? I SEE YOU ARE GETTING THIN UP THERE. WE'RE  
22 LOSING YOU.

23                   BOARD MEMBER MOSCONE: THEY MIGHT BE SMARTER  
24 THAN WE ARE.

25                   MS. SCHWAB: AT THIS POINT, WE'LL GO ON TO --



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511   ORANGE COUNTY 714-953-4447   SAN DIEGO 619-455-1997

*Harristers'*  
*reporting service*

1 CHAIRMAN GALLAGHER: MAY I INTERVENE AND SAY  
2 BEFORE WE GO ON TO THE NEXT ONE, WE'RE GOING TO CALL A  
3 TEN-MINUTE RECESS TO CHANGE SOME TAPE AND DO SOME OTHER  
4 THINGS, SO WE WILL RECONVENE AT 20 MINUTES TO ELEVEN.  
5 PLEASE BE READY TO GO.

6 (A BREAK WAS TAKEN.)

7 CHAIRMAN GALLAGHER: BRING THE MEETING BACK TO  
8 ORDER, PLEASE.

9 MR. FINCH: OKAY. MOVING ON TO SECTION 177.77,  
10 FINAL SITE FACE, WHICH STARTS ON PAGE 31 OF YOUR BOARD  
11 PACKET, PAGE 7.8-29 FOR THOSE IN THE AUDIENCE, WE'VE  
12 RECEIVED SEVERAL COMMENTS CONCERNING THIS SECTION AT OUR  
13 WORKSHOPS HELD IN SEPTEMBER AND AT A SMALLER GROUP  
14 MEETING OF CONCERNED PARTIES WE HELD IN NOVEMBER.

15 AS A RESULT OF THESE DISCUSSIONS, SEVERAL  
16 CHANGES HAVE BEEN IMPLEMENTED TO THE SECTION SINCE THE  
17 LAST TIME YOU'VE SEEN IT. AMONG THESE CHANGES A MINIMUM  
18 OF ONE 15-FOOT WIDE HORIZONTAL BENCH FOR EVERY 50 FEET OF  
19 VERTICAL HEIGHT HAS BEEN ADDED TO IMPROVE SLOPE  
20 STABILITY. THE STATEMENT OF WAIVERS TO THE MAXIMUM SLOPE  
21 WAS DELETED, AND IN ITS PLACE A TIERED APPROACH TO SLOPE  
22 STABILITY HAS BEEN SUBSTITUTED. THIS APPROACH IS  
23 ILLUSTRATED ON PAGE 4 OF THE HANDOUT FLOW CHART, AND  
24 THERE'S FOUR STEPS THAT ONE PROGRESSES THROUGH.

25 FIRST OF ALL, YOU SEE WHETHER THE SLOPE IS



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 STEEPER THAN 1.75 TO 1. THAT'S THE MAXIMUM. THEN IF  
2 IT'S STEEPER THAN 3 TO 1, YOU ARE TO PREPARE A SLOPE  
3 STABILITY REPORT. AND IF THE AREA IS SUBJECT TO POOR  
4 FOUNDATION CONDITIONS, INCLUDING LIQUEFACTION AND OTHER  
5 FOUNDATION PROBLEMS, YOU ARE TO PREPARE A FOUNDATION  
6 STABILITY REPORT.

7 THEN, FINALLY, WE ASK THE QUESTION OF  
8 WHETHER THESE REPORTS ACHIEVE A FACTOR OF SAFETY OF AT  
9 LEAST 1.5 UNDER DYNAMIC CONDITIONS; AND IF IT DOESN'T,  
10 THEN MORE RIGOROUS ANALYTICAL METHOD IS NECESSARY TO  
11 DEMONSTRATE THAT UNDER DYNAMIC CONDITIONS, SUCH AS DURING  
12 AN EARTHQUAKE, THE PROPOSED FINAL SITE FACE COULD  
13 ACCOMMODATE THESE CONDITIONS.

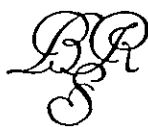
14 DO WE HAVE ANY QUESTIONS?

15 CHAIRMAN GALLAGHER: ANY QUESTIONS OF THE BOARD?

16 MR. FINCH: OKAY. WITH THAT, I'LL HAND THE  
17 MICROPHONE BACK TO KIM WHO WILL DISCUSS FINAL DRAINAGE,  
18 SECTION 17778.

19 MS. SCHWAB: FINAL DRAINAGE PROPOSED LANGUAGE  
20 STARTS ON BOARD PACKET PAGE 34.

21 THE FINAL DRAINAGE SYSTEM SHALL BE DESIGNED  
22 TO AND CONSTRUCTED, GRADED, AND MAINTAINED TO MINIMIZE  
23 INFILTRATION TO PROTECT AGAINST EROSION OF THE FINAL  
24 COVER, TO PREVENT THE WASHOUT OF WASTE, AND PREVENT  
25 INUNDATION, WHICH INUNDATION MEANS FLOODING, ANY TYPE OF



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

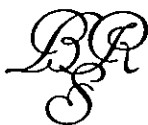
1 RUNON.

2 A FEW POINTS I'D LIKE TO COVER IN THIS  
3 SECTION THAT COMES FROM THE ISSUES AND OPTIONS THAT WERE  
4 DISCUSSED IN OUR LAST MEETING. FIRST THING IS THAT THE  
5 DRAINAGE SYSTEM SHALL BE DESIGNED TO DIVERT SHEET RUNOFF  
6 Laterally over the landfill or to the shortest distance,  
7 WHICH MEANS IF YOU HAVE A TYPICAL DOME-TYPE LANDFILL, YOU  
8 WANT TO GET IT OFF THERE AS FAST AS YOU CAN TO THE  
9 DRAINAGE SYSTEM. OR IF YOU ARE IN A CANYON AND YOU  
10 CHOOSE TO DESIGN THE DRAINAGE SYSTEM IN THE MIDDLE OF THE  
11 LANDFILL, THAT WOULD BE ACCOMMODATED BY EXPLAINING IT AS  
12 THE SHORTEST DISTANCE. WHAT WE'RE TRYING TO DO IS TO GET  
13 THE WATER OFF OF THAT LANDFILL SO EROSION WILL NOT OCCUR.

14 THE RUNON CONTROL SYSTEM SHALL BE DESIGNED  
15 TO PREVENT FLOW ONTO THE LANDFILL DURING PEAK DISCHARGE  
16 FROM AT LEAST A HUNDRED YEAR FREQUENCY FLOOD, AND RUNOFF  
17 CONTROL SYSTEMS SHALL BE DESIGNED TO COLLECT AND CONTROL  
18 THE WATER VOLUME RESULTING FROM A HUNDRED YEAR 24-HOUR  
19 FREQUENCY STORM.

20 WHAT WE PROPOSE IS THAT THESE LANDFILLS  
21 DEVELOP HOLDING FACILITIES CONNECTED TO THIS DRAINAGE  
22 SYSTEM WHERE THEY'RE DIVERTING ALL THIS WATER, THAT IT  
23 SHALL BE DESIGNED, CONSTRUCTED, AND MAINTAINED ON-SITE TO  
24 ACCOMMODATE THIS VOLUME OF WATER.

25 WE ALSO ARE STRESSING, WHICH MS. BREMBERG



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO  
213-622-8511 714-953-4447 619-455-1997

*Barristers'*  
*reporting service*

1 BROUGHT TO OUR ATTENTION LAST TIME, IS THAT SO YOU HAVE  
2 THIS STORM WATER HOLDING IN YOUR DRAINAGE SYSTEM AND YOU  
3 ARE GOING TO BE RELEASING IT DOWNSTREAM OFF-SITE, SAY, TO  
4 A PARK OR DRAINAGE DITCH OF SOME TYPE, IT MAY BE ONLY  
5 DESIGNED TO ACCOMMODATE A 25-YEAR, 24-HOUR FREQUENCY  
6 STORM, WHICH IS LESS WATER. SO WHAT WE ARE PROPOSING IS  
7 THAT THEY RELEASE THIS WATER IN A MANNER SO THAT IT WILL  
8 NOT INUNDATE OR ERODE THE DOWNSTREAM CHANNELS OR THINGS  
9 OF THAT NATURE.

10 SO THOSE ARE THE IMPORTANT PARTS THAT WE  
11 WANTED TO COVER.

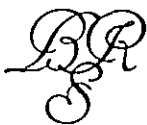
12 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

13 CHAIRMAN GALLAGHER: MS. BREMBERG.

14 BOARD MEMBER BREMBERG: THANK YOU VERY MUCH,  
15 KIM, FOR PUTTING THAT IN. BUT THERE IS NO WAY THAT WE  
16 CAN MAKE THIS RETROACTIVE TO TOYON, IS THERE? BECAUSE  
17 THEY WENT AHEAD AND REGRADED WITHOUT FILING PLANS AND  
18 HAVE DIVERTED WATER SO THAT IT'S RUNNING IN ALL KINDS OF  
19 DIFFERENT DIRECTIONS. I WENT UP THERE DURING A STORM AND  
20 IT WAS, YOU KNOW, UP OVER MY TIRES ON A ROAD THAT HAD  
21 NEVER EVEN BEEN INCLUDED IN THE PLAN.

22 CHAIRMAN GALLAGHER: MR. BEAUTROW.

23 BOARD MEMBER BEAUTROW: KIM, IS THERE ANYTHING  
24 IN HERE THAT HAS TO DO WITH THE MINIMUM SLOPE OF THE  
25 GRADED SURFACE? YOU KNOW -- I KNOW THAT THAT -- IS IT 3



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 PERCENT OR SOMETHING?

2 MS. SCHWAB: THREE PERCENT IS THE MINIMUM.

3 BOARD MEMBER BEAUTROW: IS THIS SECTION OR IS  
4 THAT SOMEPLACE ELSE?

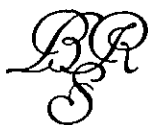
5 MS. SCHWAB: THAT'S IN THE GRADING SECTION,  
6 FINAL GRADING.

7 BOARD MEMBER BEAUTROW: AND THAT'S STILL A VALID  
8 MINIMUM SLOPE THAT HAS TO BE MAINTAINED?

9 MS. SCHWAB: YES. AND IF -- WE HAVE IN THERE IF  
10 YOU CHOOSE TO HAVE IT LESS THAN THAT, YOU HAVE TO  
11 ACCOMMODATE IT BY EITHER PUMPING OR SOME TYPE OF DRAINAGE  
12 SYSTEM TO TAKE CARE OF THE WATER.

13 ALSO, I'D LIKE TO POINT OUT IN THIS SECTION  
14 THAT WE WOULD LIKE TO -- WHAT WE CONSIDERED IN THE OTHER  
15 ISSUES AND OPTIONS PREVIOUSLY, THE BAN OF UNDERDRAINS.  
16 AND WE PHRASED IT TO SAY THAT IF UNDERDRAINS ARE UTILIZED  
17 DURING THE OPERATIONAL PHASE, THEY SHALL NOT BE USED.  
18 AND THEY PROPOSE THAT THEY HAVE A SURFACE DIVERSION  
19 SYSTEM TO ACCOMMODATE ANY TYPE OF WATER THAT MAY COME  
20 FROM A STREAM, UP DIP FROM THE LANDFILL, OR WATER THAT  
21 MAY COME DOWN. SAY, IT'S A CANYON, THAT WILL COME OFF OF  
22 THE CANYON SLOPES ON TO THE LANDFILL.

23 NOW, UNDERDRAINS WOULDN'T BE CONSIDERED  
24 WITH THAT, BUT YOU NEED TO ACCOMMODATE ANY TYPE OF  
25 WATERSHED WATER THAT WILL COME IN CONTACT WITH THE WASTE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO  
213-622-8511 714-953-4447 619-455-1997

*barristers'*  
*reporting service*

1 POSSIBLY. WE'RE AFRAID THAT IF YOU KEEP THESE  
2 UNDERDRAINS, THEY MAY COLLAPSE OVER TIME AND POLLUTE THE  
3 GROUND WATER OR WHATEVER AND WORK ITS WAY DOWN STREAM. A  
4 LOT OF THESE UNDERDRAINS ARE NOT DESIGNED TO HAVE  
5 MANHOLES, LIKE IN A CITY, WHERE YOU CAN JUST GO ON DOWN  
6 AND FIX IT.

7 SO WHAT WE'RE PROPOSING IS THAT IF YOU USE  
8 THOSE DURING OPERATIONS THAT YOU, DURING CLOSURE, PUT IN  
9 SURFACE DIVERSION FEATURES.

10 ARE THERE ANY OTHER QUESTIONS ON FINAL  
11 DRAINAGE? THOSE ARE THE HIGHLIGHTS I WANTED TO POINT  
12 OUT.

13 CHAIRMAN GALLAGHER: ANY QUESTIONS? GO AHEAD,  
14 KIM.

15 MS. SCHWAB: OKAY. SECTION 17779, SLOPE  
16 PROTECTION AND EROSION CONTROL. THERE'S NOTHING REALLY  
17 CONTROVERSIAL IN THIS REGULATION. WE PRETTY MUCH TOOK  
18 THE ISSUES AND OPTIONS AND JUST PUT IT INTO PROPOSED  
19 REGULATORY LANGUAGE. THERE WERE NO QUESTIONS OR COMMENTS  
20 IN THE LAST MEETING, SO I'VE JUST SORT OF GENERALIZED AND  
21 GONE THROUGH AND PUT THEM IN THAT TYPE OF LANGUAGE.

22 THE PURPOSE OF SLOPE PROTECTION AND EROSION  
23 CONTROL IS TO ENHANCE THE ABILITY TO RESIST EROSION ON  
24 THE SURFACE AND MINIMIZE SOIL EROSION, WHETHER YOU USE  
25 VEGETATION ALONG WITH YOUR DRAINAGE SYSTEM, THE TYPE OF



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Harristers*  
*reporting service*

1 GRADING; OR WHATEVER FINAL LAND USE YOU WOULD USE, YOU  
2 WOULD HAVE TO ACCOMMODATE ALL THAT.

3 I WOULD ALSO LIKE TO POINT OUT THAT I'VE  
4 INCLUDED ON A FACILITY SITE YOU MAY BE EXCAVATING FROM  
5 ANOTHER SECTION FOR SOIL OR TO CREATE MORE ROOM FOR THE  
6 LANDFILL. WHAT WE PROPOSE IS THAT THOSE ARE AREAS THAT  
7 MAY BE ERODED IN THE FUTURE ALSO, AND THAT YOU EITHER CUT  
8 THE SLOPE DOWN, REVEGETATE THOSE, WHATEVER, ALSO AS PART  
9 OF THE RECLAMATION PLAN. SO YOU HAVE A NICE PRETTY  
10 LANDFILL, BUT YOU'VE GOT THIS SHARP FACE THAT YOU'VE DUG  
11 INTO A LAND ON THAT FACILITY.

12 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

13 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

14 BOARD MEMBER BREMBERG: KIM, I'M NOT SURE THAT I  
15 NECESSARILY AGREE WITH YOUR COMMENTS, THAT IT TAKES A  
16 LONG TIME TO VEGETATE. I THINK IT HAS PROVIDED AN OUT  
17 FOR QUITE A FEW LANDFILLS WHERE YOU SAY SEVERAL PLACES  
18 THROUGHOUT HERE THAT IT TAKES A LONG TIME AND MAYBE WE  
19 SHOULD BE A LITTLE TOLERANT AND SO FORTH. THAT SIMPLY  
20 ISN'T TRUE IF IT'S WELL PLANNED. VEGETATION GROWS.

21 I REPEAT, IF YOU LOOK AT TOYON, THE FACE OF  
22 TOYON, THERE'S ABSOLUTELY -- IT'S INEXCUSABLE THAT IT BE  
23 RAW CLAY 28 YEARS AFTER THEY WERE TOLD TO VEGETATE.  
24 NOTHING TAKES 28 YEARS TO GROW.

25 AND IN OUR OWN LANDFILL, I WATCHED THE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

*Barristers'*  
*reporting service*



1 BENCHES BEING VEGETATED, AND WE'VE PLANTED SOME 30- TO  
2 60,000 PIECES OF VEGETATION AND BUSHES AND TREES AND  
3 WHATEVER AS THE BENCHES ARE COMPLETED, AND IT IS GREEN  
4 AND GROWING AND VEGETATED ALL THE WAY UP. AND IF THE TOP  
5 ONES ARE JUST GRASS, THE OTHER THINGS HAVEN'T TAKEN, IT'S  
6 STILL GREEN AND GROWING AS IT GOES ALONG.

7 I DON'T THINK THERE SHOULD BE ANY VARIANCE  
8 OR ANY FLEXIBILITY ON VEGETATION. SOMETHING WILL GROW,  
9 AND IT WILL GROW QUICKLY IF IT'S PROPERLY DONE. AND TO  
10 LET THEM OFF THE HOOK, IT'S A LOOPHOLE WHERE YOU ARE  
11 GOING TO BE LOOKING AT CLAY BENCHES FOR YEARS TO COME ON  
12 THE FACT THAT THEY SAY NOTHING WILL GROW THERE. THAT  
13 SIMPLY ISN'T TRUE. SOMETHING WILL GROW THERE, EVEN  
14 WEEDS. I DON'T CARE.

15 MS. SCHWAB: I'M NOT QUITE SURE WHERE YOU ARE  
16 QUOTING IN HERE.

17 BOARD MEMBER BREMBERG: WELL, I JUST THOUGHT OF  
18 IT. MAYBE IT'S NOT. REVEGETATION IS IMPORTANT. WHAT  
19 MAY NATURALLY -- IT CAN TAKE MANY YEARS FOR THE SITE TO  
20 DEVELOP. I DON'T THINK THAT YOU CAN DEVELOP THE  
21 BIOLOGICAL AND PHYSICAL CONDITIONS THAT PERMIT PLANTS TO  
22 GROW. I DON'T NECESSARILY AGREE WITH THAT STATEMENT. IT  
23 MAY BE TRUE.

24 MS. SCHWAB: IT'S IN THE DESCRIPTIVE PORTION?

25 BOARD MEMBER BREMBERG: YES.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 MS. SCHWAB: OKAY. OKAY.

2 BOARD MEMBER BREMBERG: ON PAGE 36 AT THE TOP OF  
3 THE PAGE, FIRST PARAGRAPH.

4 MS. SCHWAB: OKAY. DO YOU HAVE ANY SPECIFIC  
5 QUESTIONS ON THE PROPOSED LANGUAGE OR JUST GENERALLY  
6 SPEAKING?

7 BOARD MEMBER BREMBERG: WELL, JUST GENERALLY  
8 SPEAKING. I THINK A LITTLE MORE CLEARLY DEFINED PERHAPS,  
9 OR NOT ALLOWING A -- I MEAN A PHASED PLAN IS FINE BECAUSE  
10 THAT'S --

11 MS. SCHWAB: WE WANT THEM TO VEGETATE AS SOON AS  
12 POSSIBLE.

13 BOARD MEMBER BREMBERG: BUT YOU ARE GIVING THEM  
14 AN OUT WITHOUT BEING THAT SPECIFIC ON WE'VE GOT TO HAVE  
15 TIMELINES. WE'VE GOT TO DO THIS AND DO THAT, I THINK.  
16 MAYBE I'M WRONG. I DO HAVE TWO VERY GOOD EXAMPLES TO  
17 LOOK AT. ONE THAT HAS COMPLIED AND ONE THAT HAS AVOIDED  
18 THE LAW FOR OVER 20 YEARS.

19 MS. SCHWAB: THANK YOU.

20 CHAIRMAN GALLAGHER: ANYTHING ELSE? OKAY, KIM.

21 MS. SCHWAB: NEXT SECTION WILL BE LEACHATE  
22 CONTROL DURING CLOSURE AND POSTCLOSURE.

23 MR. ORR: ONE THING I'D LIKE TO MENTION, BEFORE  
24 I TURN THE MICROPHONE OVER TO MIKE AT THIS POINT, IS THAT  
25 ONE THING THAT WE'VE FOUND IN SEVERAL OF THE SECTIONS IS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO  
213-622-8511 714-953-4447 619-455-1997

*BCD*

*barristers'*  
*reporting service*

1 THAT A LOT OF THESE PROCESSES THAT BEGIN DURING THE  
2 DESIGN AND OPERATION OF THE FACILITY CONTINUE DURING THE  
3 CLOSURE AND POSTCLOSURE PHASE.

4 FOR THIS PARTICULAR SECTION, WE'LL BE  
5 TALKING ABOUT LEACHATE CONTROL DURING CLOSURE AND  
6 POSTCLOSURE. BUT IN SOME OF THE OTHER AREAS, WE'LL BE  
7 TALKING ABOUT IT, NOT ONLY HOW IT WOULD OCCUR DURING  
8 CLOSURE AND POSTCLOSURE, BUT THE PROCESS THAT IS  
9 INITIATED DURING OPERATION. AND THAT WILL PERTAIN TO THE  
10 SECTIONS AFTER THAT, GROUND WATER MONITORING AND LANDFILL  
11 GAS CONTROL.

12 AND SO WHEN YOU THINK OF THESE THIS NEXT  
13 TRIO OF STANDARDS, THINK OF IT AS SOMETHING THAT HAS TO  
14 OCCUR DURING THE ENTIRE LIFE OF THE LANDFILL, NOT ONLY  
15 DURING CLOSURE AND POSTCLOSURE, BUT DURING THE OPERATION.  
16 AND THAT'S WHEN THAT PROGRAM WOULD COMMENCE, AND WE WOULD  
17 BE LOOKING AT PERPETUATING THOSE PROGRAMS DURING THOSE  
18 PERIODS.

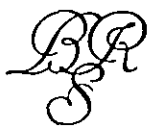
19 MR. FINCH: OKAY.

20 CHAIRMAN GALLAGHER: BEFORE YOU MOVE ON, LET ME  
21 SAY THAT WE'VE HAD TO MAKE, AGAIN, SOME ADJUSTMENTS TO  
22 THE AGENDA. WE WILL CONTINUE TO HEAR RULES AND REGS  
23 UNTIL 11:30, AND AT THAT POINT IN TIME WE WILL REVERT  
24 BACK TO THE REGULAR AGENDA IN AN EFFORT TO ACCOMMODATE  
25 SOME OF THE OTHER THINGS THAT NEED TO BE ACCOMMODATED AND

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1 TO TAKE CARE OF SOME PEOPLE WHO HAVE COME HERE TO SPEAK  
2 ON THOSE ISSUES. SO PLAN TO GO UNTIL 11:30, BILL, AND  
3 THEN WE'LL GO BACK TO THE AGENDA.

4 MR. FINCH: OKAY. LEACHATE CONTROL, SECTION  
5 17781, DURING CLOSURE AND POSTCLOSURE. THIS SECTION DID  
6 NOT HAVE ANY PREVIOUS LANGUAGE. THERE ARE BASICALLY  
7 THREE DISTINCT PHASES OF LEACHATE CONTROL: ONE,  
8 MONITORING; TWO, COLLECTION; AND, THREE, TREATMENT AND  
9 DISPOSAL.

10 THERE ARE FIVE POSSIBLE MEANS OF MONITORING  
11 AND LOCATIONS OF DIFFERENT MONITORING POINTS. ONE WOULD  
12 BE INFILTRATION THROUGH THE FINAL COVER; TWO WOULD BE  
13 FLUID COLLECTION IN A COLLECTION SYSTEM OR SUBDRAIN;  
14 THREE, LEAK DETECTION IN A DRAINAGE SYSTEM BELOW THE  
15 LINER; FOUR, VADOSE ZONE MONITORING -- THIS IS FROM THE  
16 UNSATURATED ZONE ABOVE THE WATER TABLE -- AND, FIVE,  
17 GROUND WATER MONITORING.

18 THIS SECTION REQUIRES MONITORING OF FLUID  
19 IN COLLECTION SYSTEMS AND ABOVE LINERS. AND READING FROM  
20 THE SECTION, ON PAGE 40 OF YOUR AGENDA PACKET, UNDER  
21 LEACHATE MONITORING, CAPITAL LETTER A, "THE OPERATOR  
22 SHALL DESIGN AND INSTALL A LEACHATE MONITORING SYSTEM TO  
23 MEASURE THE ACCUMULATION OF LEACHATE WITHIN THE LANDFILL.  
24 THE SYSTEM SHALL BE LOCATED AT THE LOWEST LANDFILL  
25 ELEVATION AND AT STRATEGIC POINTS NECESSARY TO DETECT THE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 PRESENCE AND MOVEMENT OF LEACHATE THROUGH THE LINER OR  
2 OUT OF THE WASTE HOLDING AREA. THE SYSTEM SHALL CONSIST  
3 OF COLLECTION LYSIMETERS AND/OR STANDPIPES CAPABLE FOR  
4 USE AS A PART OF THE LEACHATE COLLECTION SYSTEM.

5 MATERIALS USED IN THE SYSTEM MUST BE RESISTANT TO  
6 CHEMICAL AND BIOLOGICAL BREAKDOWN AS A RESULT OF CONTACT  
7 WITH LEACHATE."

8 CAPITAL LETTER B, "THE BOARD, WITH THE  
9 AGREEMENT OF THE LOCAL ENFORCEMENT AGENCY, MAY APPROVE  
10 DETECTION SYSTEMS WITHOUT COLLECTION LYSIMETERS OR  
11 STANDPIPES IF THE OPERATOR SHOWS IN THE FINAL CLOSURE  
12 PLAN THAT EITHER ARE UNNECESSARY DUE TO THE LINER SYSTEM,  
13 SUBSURFACE SOIL CONDITIONS, GROUND AND SURFACE WATER FLOW  
14 PATTERNS, DEPTH TO GROUND WATER, AND THE AMOUNT OF  
15 LEACHATE ANTICIPATED TO BE GENERATED."

16 THIS SECTION ALSO REQUIRES VADOSE ZONE  
17 MONITORING WHERE PRACTICAL. AND THE MONITORING POINTS  
18 ARE TO BE SAMPLED QUARTERLY FOR BOTH FLUID VOLUME AND  
19 CHEMICAL CONSTITUENTS. THE CONSTITUENTS TO BE MONITORED  
20 WOULD BE THE SAME AS THOSE IN ANY GROUND WATER MONITORING  
21 PROGRAM TO HELP BETTER LOCATE WHICH CONSTITUENTS ARE  
22 PRESENT IN THE LEACHATE AND MIGHT BE ESCAPING THE  
23 FACILITY.

24 UNDER COLLECTION, THE OPERATOR WILL DESIGN  
25 AND CONSTRUCT A LEACHATE COLLECTION SYSTEM ACCORDING TO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 CALCULATIONS MADE OF WHAT THE AMOUNT OF LEACHATE WOULD  
2 BE. A DETERMINATION OF THE PIPE AND STORAGE AREA SIZING  
3 MUST BE BASED ON THE SIZE OF THE FILL AREA AND THE  
4 COLLECTION SYSTEM THAT IT WILL SERVE.

5 IN SIZING PUMPS, THEY MUST BE AT LEAST  
6 TWICE THE ANTICIPATED AMOUNT OF LEACHATE TO BE INDUCED.

7 THE LEACHATE STORAGE AREA MUST BE DESIGNED  
8 AND CONSTRUCTED TO DRAIN BACK INTO THE OVERALL LEACHATE  
9 COLLECTION SYSTEM IN THE EVENT OF OVERFILLING OR UTILIZE  
10 ANOTHER ALTERNATE DESIGN, SUCH AS A LEAK DETECTION SYSTEM  
11 OR DOUBLE LINING.

12 THE HEIGHT OF FREESTANDING LIQUID OVER A  
13 LINER SHALL NOT EXCEED 1 FOOT, AND THOSE WITHOUT LINERS  
14 SHALL NOT GENERATE LEACHATE -- NOT ACCUMULATE LEACHATE.

15 ANY PIPES USED AS PART OF THE SYSTEM SHOULD  
16 BE OF SUFFICIENT DIAMETER AND INCORPORATE CLEANOUT  
17 FEATURES ALONG THE ENTIRE SYSTEM THAT'S SPACED NO MORE  
18 THAN 500 FEET.

19 UNDERGROUND PIPES SHOULD BE STRONG ENOUGH  
20 TO RESIST CRUSHING FROM THE WEIGHT OF WASTE HAULING AND  
21 CONSTRUCTION VEHICLES AND THE WEIGHT OF THE WASTE ABOVE  
22 AND BE LOCATED IN ORDER TO ENCOURAGE FLOW TO THE  
23 COLLECTION PIPES.

24 THE SYSTEM, ONCE AGAIN, SHOULD BE RESISTANT  
25 TO CHEMICAL AND BIOLOGICAL BREAKDOWN AS A RESULT OF



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

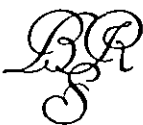
1 CONTACT WITH LEACHATE, AND THE SYSTEM MUST BE DESIGNED TO  
2 ALLOW FOR COLLECTION OF REPRESENTATIVE SAMPLES OF  
3 LEACHATE FOR CHEMICAL ANALYSIS, AND SHOULD BE TESTED AT  
4 LEAST ONCE A YEAR TO ENSURE THAT IT'S FUNCTIONING  
5 PROPERLY.

6 UNDER TREATMENT AND DISPOSAL, THERE ARE  
7 BASICALLY THREE TREATMENT CATEGORIES: BIOLOGICAL,  
8 PHYSICAL, AND CHEMICAL. THIS SECTION REQUIRES TREATMENT  
9 AS NEEDED CONSIDERING THE NATURE OF THE REFUSE, THE  
10 NATURE OF THE LEACHATE, LOCAL LAND AND WATER USE, AND  
11 EFFECTIVENESS OF THE PROPOSED METHOD.

12 THE SECTION ALLOWS LEACHATES TO BE DISPOSED  
13 OF IN SEVERAL WAYS. ONE, DISCHARGE TO A SEWAGE TREATMENT  
14 PLANT, DISCHARGE TO AN EVAPORATION POND, ON-SITE  
15 IRRIGATION WHERE APPROPRIATE, DIRECT DISCHARGE TO A WATER  
16 BODY REQUIRING A WASTE DISCHARGE PERMIT FROM THE REGIONAL  
17 WATER QUALITY CONTROL BOARD, OR ALTERNATE METHODS, SUCH  
18 AS DEEP WELL INJECTION.

19 PAGE 5 OF THE HANDOUT SHOWS HOW THIS  
20 SECTION WILL BE IMPLEMENTED IN A FLOW CHART FORM. SHOWS  
21 THE PROPOSED SYSTEM WOULD BE SUBMITTED WITH THE FINAL  
22 CLOSURE PLAN, THEN APPROVED AND REDESIGNED ACCORDINGLY.  
23 THE SYSTEM WOULD BE OPERATED AS APPROVED AND BE OPERATED  
24 FOR AT LEAST A MINIMUM OF 30 YEARS WITH THE OPTION TO  
25 CONTINUE ITS USE BEYOND THE 30 YEARS OF POSTCLOSURE

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 MAINTENANCE, IF THERE APPEARS TO BE SOME THREAT.

2 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

3 CHAIRMAN GALLAGHER: YES, MR. MOSCONE.

4 BOARD MEMBER MOSCONE: USING -- TAKING THE  
5 LEACHATE AND IRRIGATION, IF THIS WERE TO BE TAKEN AND  
6 PUMPED TO THE FILL AND THEN SPRAYED OR WHATEVER, THEY MAY  
7 NOT BE FOR IRRIGATION PURPOSES. THEY MAY JUST BE FOR  
8 DISPOSING OF THE LEACHATE. THIS IS ACCEPTABLE?

9 MR. FINCH: WELL, IT WOULD BE ACCEPTABLE ONLY  
10 UNDER CERTAIN CONDITIONS. YOU WOULD HAVE TO TAKE INTO  
11 ACCOUNT THE NATURE OF THE LEACHATE, THE NATURE OF THE  
12 REFUSE, THE LOCAL LAND AND WATER USE SO THAT IT WOULD BE  
13 A FAIRLY NARROW UTILIZATION. IT WOULDN'T NECESSARILY BE  
14 FOR ALL LEACHATES TO BE SOMEHOW RECYCLED AND SPRAYED OVER  
15 THE TOP OF THE LANDFILL. IT WOULD BE MORE FOR THINGS  
16 SUCH AS DUST SUPPRESSION, AND ONLY IN CASES WHERE THE  
17 LEACHATE WAS OF ACCEPTABLE QUALITY FOR THESE PURPOSES.

18 BOARD MEMBER MOSCONE: WELL, I DON'T RECALL -- I  
19 KNOW THAT THIS HAS BEEN DONE AND PROBABLY STILL IS BEING  
20 DONE, THAT THE LEACHATE IS PUMPED UP AND THEN SPRAYED  
21 ONTO THE LANDFILL, WHETHER IT BE FOR DUST PURPOSES OR  
22 WHATEVER. I NEVER SAW THAT IT WAS ANY PROBLEM WITH THAT.  
23 AND I JUST WANT TO BE SURE BECAUSE IN GOING, WE HAVE AN  
24 ITEM ON THE AGENDA TODAY THAT THIS FILL WAS CITED FOR --  
25 AND THE OPERATOR EXPLAINED THAT IT WAS THE LEACHATE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Harristers'*  
*reporting service*



1 SPREAD OVER FOR DRYING PURPOSES OR WHATEVER. AND SO THAT  
2 BROUGHT THAT QUESTION BACK INTO MY MIND ABOUT, WELL, DO  
3 YOU HAVE TO HAVE A CHEMIST THERE TO TEST IT BEFORE YOU  
4 CAN SPRAY IT ON THE FILL?

5 MR. FINCH: IT WOULD HAVE TO BE TESTED INITIALLY  
6 TO SEE WHETHER IT WOULD BE ACCEPTABLE. BUT IT WOULD  
7 DEPEND ON THE VOLUMES OF LEACHATE GENERATED AND, ONCE  
8 AGAIN, THE LOCAL LAND AND WATER USE. IT WOULD HAVE TO BE  
9 TIED, ONCE AGAIN, TO THE WATER BALANCE CALCULATIONS THAT  
10 WERE MADE EARLIER -- MENTIONED EARLIER IN THE SECTION.

11 BOARD MEMBER BROWN: MR. CHAIRMAN.

12 CHAIRMAN GALLAGHER: YES, MR. BROWN.

13 BOARD MEMBER BROWN: JUST OFF THE TOP OF MY  
14 HEAD, IT WOULD SEEM TO ME THAT MANY TIMES LEACHATE IS  
15 GOING TO BE HAZARDOUS. WOULD THAT BE A FAIR STATEMENT?

16 MR. FINCH: YES.

17 BOARD MEMBER BROWN: THAT WOULD TEND TO PRECLUDE  
18 ANY KIND OF DISPOSAL OTHER THAN IN AN APPROPRIATE --

19 MR. ORR: THAT'S CORRECT. ONE THING I MIGHT  
20 JUST MENTION ABOUT THAT IS THAT THAT'S THE KIND OF  
21 DETERMINATION THAT WOULD BE MADE BY HAVING THE QUALITY  
22 AND QUANTITY ASSESSED. THE TYPE OF LIQUID THAT'S  
23 TYPICALLY USED FOR DUST SUPPRESSION OR IRRIGATION MIGHT  
24 BE WHAT I WOULD CHARACTERIZE MORE AS LEACHATE-AFFECTED  
25 GROUND WATER, WHERE YOU MIGHT HAVE SOME LEACHATE THAT IS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO  
213-622-8511 714-953-4447 619-455-1997

*barristers'*  
*reporting service*

1 MIXING WITH A LARGER QUANTITY OF WATER AND IS BEING  
2 DILUTED, BUT STILL MAY NEED TO BE PUMPED IN SOME KIND OF  
3 A COLLECTION SCHEME.

4 THAT WATER -- THAT WATER MAY MEET CERTAIN  
5 GROUND WATER QUALITY STANDARDS, BUT STILL NEEDS TO BE  
6 COLLECTED. AND SO IT WOULD MAKE SENSE IN THAT INSTANCE  
7 TO USE IT FOR IRRIGATION, AND THAT WOULD NEED TO BE  
8 INCLUDED IN THE INFILTRATION SCHEME AND THE QUALITY WOULD  
9 NEED TO BE ASSESSED.

10 BOARD MEMBER MOSCONE: WELL, I RECALL THAT A FEW  
11 YEARS AGO WE WERE AT A DISPOSAL SITE UP -- TRYING TO  
12 REMEMBER WHAT COUNTY, WHETHER IT'S IN PLACER COUNTY OR  
13 WHERE -- BUT, ANYHOW, AROUND THE TAHOE AREA. WELL, THEY  
14 WERE REQUIRED TO PUT IN THE COLLECTION POINT, AND THEN  
15 THEY WERE ALLOWED TO TAKE AND PUMP THIS ONTO THE  
16 LANDFILL.

17 NOW, THIS IS AN AREA THAT GETS SNOW AND,  
18 HOPEFULLY, A GOOD DEAL OF RAIN. AND SO I DON'T RECALL  
19 THIS, THE FACT THAT IT HAD TO BE TESTED OR MAYBE IT WAS  
20 AND I JUST DIDN'T PICK IT UP. MAYBE IT WAS -- HAD TO BE  
21 TESTED. AS YOU SAY, MAYBE THERE WAS ACTUALLY MORE WATER  
22 THAN LEACHATE THAT WAS GOING INTO THE COLLECTION PONDS.

23 MR. ORR: I'M FAMILIAR WITH THAT PARTICULAR  
24 SITE, AND IT WAS PARTLY SNOW MELT THAT WAS BEING  
25 COLLECTED. AND, IN FACT, FROM MY KNOWLEDGE, THERE HASN'T

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1 IN THAT INSTANCE BEEN ANY LIQUID THAT WAS COLLECTED IN  
2 THE SYSTEM FOR A NUMBER OF YEARS. SO THAT IS LARGELY  
3 WHAT IT WAS IS A WATER THAT MIGHT BE AFFECTED SOMEWHAT BY  
4 THE LANDFILL PROXIMITY.

5 MR. FINCH: WITH THAT, I'LL MOVE ON TO GROUND  
6 WATER MONITORING DURING CLOSURE AND POSTCLOSURE, SECTION  
7 17782. THIS SECTION, ONCE AGAIN, HAD NO PREVIOUS  
8 LANGUAGE. PAGE 6 OF THE LITTLE HANDOUT HAS A FLOW CHART  
9 THAT ILLUSTRATES --

10 BOARD MEMBER ARAKALIAN: WHAT PAGE IS THIS  
11 YOU'RE ON NOW?

12 MR. FINCH: OKAY. THAT'S -- THE PAGE OF THE --  
13 IN YOUR BOARD PACKET WILL BE 43 AND ON THE LITTLE  
14 HANDOUTS, THESE HERE, WITH THE FLOW CHART, THAT WILL BE  
15 PAGE 6, FLOW CHARTS.

16 AND THIS FLOW CHART ILLUSTRATES HOW THIS  
17 SECTION WOULD BE IMPLEMENTED AND IS BASED ON THE PROPOSED  
18 SECTIONS 17716 THROUGH 17725.5 AND APPENDICES 1 AND 2 OF  
19 ARTICLE 7.6.

20 TURNING TO PAGE 62 OF YOUR AGENDA PACKET,  
21 ARTICLE 7.6, GROUND WATER MONITORING, IS LISTED THERE.  
22 AND WE'LL START WITH THAT.

23 THE -- OKAY -- THIS IS THE OPERATING  
24 REGULATION FOR GROUND WATER MONITORING, WHICH THE CLOSURE  
25 AND POSTCLOSURE GROUND WATER MONITORING REFERS TO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

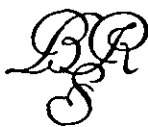
1 EXTENSIVELY. THE ARTICLE 7.6 IS DESIGNED TO MEET BOTH  
2 TITLE 23, SUBCHAPTER 15, DISCHARGE OF WASTE TO LAND  
3 REQUIREMENTS, AND THE PROPOSED EPA RCRA, RESOURCE  
4 RECOVERY CONSERVATION RECOVERY ACT, SUBTITLE D  
5 REQUIREMENTS.

6 ON PAGE 7 OF THE HANDOUT, I HAVE A LITTLE  
7 FLOW CHART, ONCE AGAIN, THAT SHOWS HOW THIS ARTICLE WOULD  
8 BE IMPLEMENTED. AND THIS FLOW CHART ILLUSTRATES HOW WE  
9 WILL COORDINATE OUR APPLICATION PROCESS BETWEEN THIS  
10 BOARD, THE LEA, AND THE REGIONAL WATER QUALITY CONTROL  
11 BOARD.

12 THE PROCESS IS KEYED TO THE CLOSURE PLAN OR  
13 THE DISPOSAL SITE INFORMATION, DEPENDING ON WHETHER THE  
14 FACILITY IS CLOSING OR OPENING. IT IS ALSO DESIGNED TO  
15 AVOID THE DUPLICATION OF CRITERIA AND EFFORT.

16 THE MONITORING NETWORKS ARE TO BE DESIGNED  
17 TO INTERSECT ANY LEACHATE THAT MAY BE ESCAPING THE  
18 FACILITY.

19 ON PAGE 65 OF YOUR AGENDA PACKET, I'VE GOT  
20 A LITTLE ILLUSTRATION THAT SHOWS THE RELATIONSHIP BETWEEN  
21 GROUND WATER DIRECTION AND WELL LOCATION. YOU HAVE AN UP  
22 GRADIENT AREA AND DOWN GRADIENT AREA THAT'S SHADED, AND  
23 BETWEEN THOSE IS THE WASTE HOLDING AREA, THE LANDFILL.  
24 WHAT WE'RE LOOKING FOR IS TO INSTALL MONITORING WELLS  
25 ALONG THE DOWN GRADIENT PERIMETER, WHICH IS SHOWN IN



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 BOLD, A MINIMUM OF THREE WELLS OR ONE WELL EVERY THOUSAND  
2 FEET ALONG THIS PERIMETER. THEN UP GRADIENT, WITHIN THE  
3 UP GRADIENT AREA, BACKGROUND MONITORING WELLS WILL BE  
4 INSTALLED TO PROVIDE A BACKGROUND TO COMPARE THE RESULTS,  
5 DOWN GRADIENT TO THOSE UP GRADIENT.

6 IN THE CASE THAT THERE MAY NOT BE A GROUND  
7 WATER GRADIENT OR WHERE THE GRADIENT IS SUFFICIENTLY LOW  
8 THAT THERE MAY BE MOUNDING OR A RISE IN THE LEVEL OF  
9 GROUND WATER BENEATH THE LANDFILL AREA, A RING OF WELLS  
10 WOULD SURROUND THE LANDFILL WITH A MINIMUM OF FOUR OR ONE  
11 EVERY THOUSAND FEET ALONG THE ENTIRE PERIMETER, AND THEN  
12 THE BACKGROUND WELL WOULD BE LOCATED IN AN ALTERNATE  
13 LOCATION.

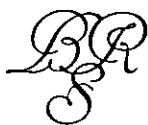
14 THE GROUND WATER SAMPLING PROCEDURE IS  
15 ILLUSTRATED ON PAGE 8 OF THE HANDOUT IN FLOW CHART FORM.

16 BOARD MEMBER BEAUTROW: EXCUSE ME.

17 CHAIRMAN GALLAGHER: YES, MR. BEAUTROW.

18 BOARD MEMBER BEAUTROW: RELATING TO THAT, I WISH  
19 YOU WOULD PLEASE EXPLAIN WHERE THESE PROPOSALS ALL CAME  
20 FROM. YOU SAID WE NEVER HAD ANYTHING BEFORE, SO WE'RE  
21 STARTING AT GROUND ZERO. I ASSUME THAT, SINCE THERE IS  
22 NOTHING NEW UNDER THE SUN, YOU MUST HAVE GOTTEN THESE  
23 REGULATIONS -- WE JUST DIDN'T GEN THEM UP ALL OURSELVES.  
24 I'D LIKE YOU TO EXPLAIN WHERE CAME FROM.

25 AND, ALSO, I KNOW THIS ISSUE ABOUT THE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Harristers'*  
*reporting service*

1 NUMBER OF MONITORING WELLS IS VERY CONTROVERSIAL, AND IT  
2 ALSO COSTS A LOT OF MONEY. SHOULDN'T WE HAVE SOME  
3 LATITUDE WHERE THE OPERATOR, WHEN HE HIRES A GEOLOGIST OR  
4 AN ENGINEER, ALTHOUGH WE SAY A MINIMUM OF FOUR, THAT THEY  
5 MAKE SOME -- MAYBE THERE'S ONLY TWO THAT WOULD DO THE  
6 WORK. IS THERE SOME WAY SOME, SOME LATITUDE THAT WE CAN  
7 INCLUDE IN HERE AS TO THE PLANS BY A PROFESSIONAL TO  
8 INDICATE HOW MANY? BECAUSE YOU SAY A MINIMUM OF FOUR,  
9 BUT MAYBE EVERY THOUSAND FEET, AND THAT MAY NOT BE  
10 WORKABLE AT ALL.

11 SO WHAT I WANT TO KNOW IS WHERE THESE CAME  
12 FROM AND WHAT KIND OF LATITUDE THAT WE SHOULD GIVE THE  
13 CONSULTANTS. COULD YOU PLEASE -- THOSE ARE TWO  
14 QUESTIONS.

15 MR. FINCH: YES. THESE REGS WERE BASED ON  
16 SUBCHAPTER 15 CRITERIA AND SUBTITLE D OF RCRA; BUT THERE  
17 ARE GENERAL EXEMPTING PROVISIONS THAT WOULD REQUIRE,  
18 UNDER CERTAIN CIRCUMSTANCES, WHERE IT WOULDN'T BE  
19 PRACTICAL, LET'S SAY, PARTICULARLY IN CANYON LANDFILLS  
20 WHERE THERE MIGHT NOT BE AN UP GRADIENT AREA, THEN  
21 ALTERNATE LOCATIONS AND ALTERNATE PROPOSALS WOULD BE  
22 ENTERTAINED.

23 THIS IS MORE TO PROVIDE PRECISE GUIDANCE TO  
24 THE CONSULTANTS AND TO THE OPERATORS SO THAT THEY CAN  
25 ENSURE THAT THE FACILITY IS PROTECTED ON ITS DOWN

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 GRADIENT OR OTHER LOCATIONS.

2 ONE OTHER POINT, IF I MIGHT CLARIFY, IT'S  
3 ACTUALLY THREE WELLS. FOUR IS ONLY IN THE CASE OF WHERE  
4 THERE ISN'T GROUND WATER MONITORING OR GROUND WATER  
5 GRADIENT OR DIRECTION OF FLOW.

6 BOARD MEMBER BEAUTROW: BUT THERE IS A MECHANISM  
7 TO WHERE THEY COULD COME UP WITH A PLAN AND DEMONSTRATE  
8 THAT IT'S NOT PRACTICAL TO PUT THEM EVERY THOUSAND FEET?

9 MR. FINCH: YES. AND IN SOME CASES ONE EVERY  
10 THOUSAND FEET MIGHT BE INSUFFICIENT. AND THOSE CASES, WE  
11 HAVE THE OPTION TO REQUIRE MORE OR THE WATER BOARD OR  
12 LEA.

13 BOARD MEMBER BEAUTROW: THANK YOU.

14 MR. FINCH: MOVING ON, WHAT WE'LL BE MONITORING  
15 FOR ARE PHASE I AND PHASE II PARAMETERS, WHICH ARE LISTED  
16 ON PAGE 76 OF THIS HANDOUT AND BASED ON THE RCRA SUBTITLE  
17 D PROPOSALS FOR THEIR PHASE I CONSTITUENTS. THAT'S PAGE  
18 76 OF THE BOARD PACKET AND AGENDA PACKET.

19 IF PHASE I PARAMETERS MEASURED IN  
20 MONITORING WELLS EXCEEDED THAT OF BACKGROUND WELLS ALONG  
21 STATISTICALLY HIGHER THAN THAT OF THE BACKGROUND WELLS,  
22 THEN PHASE II MONITORING WOULD BEGIN. AND PHASE II  
23 MONITORING PARAMETERS WILL BE BASED ON, ONCE AGAIN, THE  
24 EPA RCRA SUBTITLE D CRITERIA AND THE SITE-SPECIFIC NATURE  
25 OF THE REFUSE.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 IF, AT ANY TIME, WATER QUALITY PROTECTION  
2 STANDARDS ESTABLISHED BY THE DEPARTMENT OF HEALTH  
3 SERVICES, EPA, OR THE REGIONAL BOARD ARE EXCEEDED, THEN  
4 ASSESSMENT AND CORRECTIVE ACTION WOULD BEGIN.

5 OKAY. WITH THAT, I'LL TURN THE MICROPHONE  
6 OVER TO DAVE VOLDEN, SECTION 17783, GAS CONTROL DURING  
7 CLOSURE AND POSTCLOSURE.

8 MR. IWAHIRO: WHILE THEY'RE CHANGING SEATS, I  
9 MIGHT INTERJECT THAT A LOT OF THE STUFF THAT WE JUST WENT  
10 OVER, ESPECIALLY THAT LATER PART IN THE APPENDIX, WAS AS  
11 A RESULT OF SUBTITLE D, WHICH IS NOT REALLY FIXED YET,  
12 BUT WE KIND OF -- WE HAVE SOME -- AS YOU KNOW, WE HAVE  
13 SOME DRAFTS OF THAT AND CHANGES, AND WE MAY CHANGE SOME  
14 OF THIS ALSO.

15 MR. VOLDEN: PAGE 46, PROPOSED SECTION 17783.  
16 GENERALLY, THIS WAS DEVELOPED ALONG THE LINES OF MR.  
17 FINCH'S REGULATIONS. WE WROTE THESE STANDARDS, THIS  
18 WATER MONITORING CONTROL AND GAS MONITORING AND CONTROL  
19 AS ONE STANDARD FOR CLOSURE, AND THEN SPLIT IT OFF INTO  
20 TWO SECTIONS, OPERATING REGULATION 17705 AND THEN THE  
21 CLOSURE PORTION 17783.

22 BASICALLY, 17783 STATES THAT GAS MONITORING  
23 AND CONTROL IMPLEMENTED PURSUANT TO SECTION 17705 SHALL  
24 CONTINUE FOR A MINIMUM PERIOD OF 30 YEARS AFTER CLOSURE.  
25 THE SYSTEM SHALL BE MODIFIED TO REFLECT ADJACENT AND

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*Harristers*  
*reporting service*



1 ON-SITE LAND USE CHANGES. REDUCTION OF MONITORING MAY BE  
2 REQUESTED AFTER 15 YEARS BASED ON THE RESULTS OF  
3 MONITORING, BUT -- AND AFTER 30 YEARS' MONITORING PERIOD,  
4 THE OPERATOR REQUEST TO CEASE MONITORING AND CONTROL, AND  
5 THIS SHALL BE APPROVED BY THE BOARD.

6 SECTION 17705 --

7 MR. ORR: THAT'S ON PAGE 56 OF THE BOARD PACKET.

8 MR. VOLDEN: AT THE TOP OF THE PAGE, READING  
9 FROM A, "TO PROVIDE FOR THE PROTECTION OF HUMAN HEALTH  
10 AND THE ENVIRONMENT, THE OWNER SHALL ENSURE THAT LANDFILL  
11 GASES GENERATED AT A FACILITY ARE CONTROLLED IN  
12 ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

13 "ONE, THE CONCENTRATION OF METHANE GAS  
14 MIGRATING FROM THE LANDFILL MUST NOT EXCEED 25 PERCENT OF  
15 THE LOWER EXPLOSIVE LIMIT WITHIN FACILITY OR ADJACENT  
16 STRUCTURES.

17 "TWO, THE CONCENTRATION OF METHANE GAS  
18 MIGRATING FROM THE LANDFILL MUST NOT EXCEED 100 PERCENT  
19 OF THE LOWER EXPLOSIVE LIMIT AT OR BEYOND THE FACILITY  
20 PROPERTY BOUNDARY.

21 "THREE, TRACE GASES SHALL BE CONTROLLED IN  
22 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

23 "TO ENSURE THAT THE CONDITIONS OF PARAGRAPH  
24 A ARE MET, THE OPERATOR SHALL IMPLEMENT A GAS MONITORING  
25 PROGRAM AT THE FACILITY."



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1                   SO GENERALLY UNDER THIS SECTION NOW, WE ARE  
2 PROPOSING THAT LANDFILL GAS MONITORING BE REQUIRED AT ALL  
3 FACILITIES; HOWEVER, IT IS VERY SITE SPECIFIC. IT'S  
4 GOING TO BE DESIGNED BY A REGISTERED CIVIL ENGINEER OR  
5 CERTIFIED ENGINEERING GEOLOGIST, AND IT'S GOING TO BE  
6 BASED ON THE LOCAL GEOLOGY, THE SOIL, THE HYDROLOGY, THE  
7 NATURE OF THE REFUSE, AND THE LAND USE SURROUNDING THE  
8 FACILITY.

9                   SO, GENERALLY, THERE ARE VARIANCES IN THE  
10 SECTION THAT AN OPERATOR OR THE ENGINEER MAY UTILIZE IN  
11 COMPLYING WITH THIS REGULATION TO VARY THE REQUIREMENTS.  
12 FOR EXAMPLE, THE SPACING BETWEEN ADJACENT MONITORING  
13 WELLS SHALL NOT EXCEED 1,000 FEET UNLESS IT CAN BE  
14 ESTABLISHED TO THE SATISFACTION OF THE BOARD AND THE  
15 LOCAL ENFORCEMENT AGENCY THAT SUCH SPACING WOULD BE  
16 IMPRACTICAL OR UNWARRANTED BASED ON THE FACTORS IN  
17 PARAGRAPH B(3) OF THIS SECTION.

18                  AND I THINK YOU WILL FIND THAT STATEMENT  
19 THROUGHOUT THIS SECTION. IN OTHER WORDS, WHERE WE  
20 SPECIFICALLY REQUIRE SOMETHING, WE ALSO GIVE THE ENGINEER  
21 A MEANS OF -- PROVIDE THE ENGINEER A MEANS TO DESIGN IT  
22 HIMSELF ACCORDING TO THE SITE SPECIFICS.

23                  BOARD MEMBER BREMBERG: MR. CHAIRMAN.

24                  CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

25                  BOARD MEMBER BREMBERG: THANK YOU, MR. CHAIRMAN.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

*barristers'*  
*reporting service*

1 I'LL ASK THE QUESTION. TO HECK WITH PROTOCOL.

2 BOARD MEMBER MOSCONE: MS. BREMBERG.

3 BOARD MEMBER BREMBERG: THANK YOU, MR. CHAIRMAN.

4 ONE THING THAT I HOPE IS VERY CLEAR TO  
5 EVERYBODY WHO READS THIS, AND IT SAYS THAT THE DEPTH OF  
6 THE PROBES ARE DISCRETIONARY, IN ESSENCE, BY THE RESULTS  
7 OF TESTS. I HOPE THAT WE'RE REALLY TOUGH ON DEPTH  
8 BECAUSE WE HAVE IN THE PAST AND I SUSPECT IN THE FUTURE,  
9 IF THE OPTION IS GIVEN, THEY'LL GO DOWN 8, 10 FEET WHEN  
10 THERE'S 150 FEET BELOW.

11 AND I ALSO REMEMBER WHAT DR. TCHOBANOGLIOUS  
12 SAID, THAT THE 8 INCHES IS THE DANGER AREA, BUT AT LEAST  
13 ONE PROBE SHOULD REALLY GO DOWN BECAUSE ONE OF THE THINGS  
14 THAT SHOWS UP IN ALL PUBLIC HEARINGS ON SITING IS THAT  
15 WAY DOWN IN THE DEPTHS OF DEGRADATION -- AND YOU REMEMBER  
16 WHAT THAT YO-YO FROM THE AQMD WHO CAME UP AND SAID ALL  
17 LANDFILLS WERE ABOUT TO EXPLODE -- A SEETHING MASS OF  
18 EXPLOSIVE GAS. IT OUGHT TO BE CLEARLY DEFINED FOR  
19 PROTECTION OF THE OPERATORS AND PROTECTION OF THE  
20 REGULATORY AGENCIES, BUT MAKE IT A LITTLE MORE CLEAR AND  
21 A LITTLE LESS DISCRETIONARY IF YOU CAN DO THAT WITHOUT  
22 THE IMPOSITION OF SOME TERRIBLE BURDEN.

23 MR. ORR: IF I MIGHT JUST MAKE ONE COMMENT ON  
24 THAT. WE INTEND ON BEING VERY STRINGENT IN TERMS OF THE  
25 DEPTH REQUIREMENTS. AND THE VARIANCE THAT WE'RE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

1 INCLUDING HERE IS TO BE BASED ON KNOWLEDGE RATHER THAN  
2 LACK OF KNOWLEDGE, THAT YOU HAVE TO HAVE THESE DEEP  
3 UNLESS YOU HAVE GONE TO THE LENGTHS TO SHOW THAT IT  
4 DOESN'T MAKE SENSE FROM A TECHNICAL STANDPOINT TO DO IT  
5 OTHERWISE.

6 BOARD MEMBER BREMBERG: AND I WOULD HOPE THAT  
7 THAT WOULD BE EXPLAINED VERY CLEARLY TO CERTAIN ENTITIES  
8 AROUND THE STATE WHO DON'T WISH TO COMPLY WITH ANYTHING.

9 MR. VOLDEN: THEN MOVING ON TO THE GAS CONTROL  
10 ASPECT OF THIS SECTION, IT'S ON PAGE 60 (H) AT THE TOP OF  
11 THE PAGE.

12 "WHEN THE RESULTS OF GAS MONITORING  
13 INDICATE CONCENTRATIONS OF METHANE IN EXCESS OF THE  
14 COMPLIANCE LEVELS REQUIRED BY PARAGRAPH A OF THIS  
15 SECTION, THE OPERATOR SHALL TAKE ALL STEPS NECESSARY TO  
16 PROTECT PUBLIC HEALTH, SAFETY, AND THE ENVIRONMENT; TWO,  
17 NOTIFY THE BOARD AND THE LOCAL ENFORCEMENT AGENCY IN  
18 WRITING WITHIN FIVE WORKING DAYS OF LEARNING THAT  
19 COMPLIANCE LEVELS HAVE BEEN EXCEEDED."

20 AND THEN DOWN TO 4, "WITHIN TEN WORKING  
21 DAYS, SUBMIT TO THE BOARD AND LEA A LETTER WHICH  
22 DESCRIBES THE NATURE AND EXTENT OF THE PROBLEM."

23 AND THEN DOWN TO 5, THEN THEY'LL DESIGN AND  
24 CONSTRUCT A GAS CONTROL SYSTEM, AND THE NECESSITY AND  
25 TYPE OF THAT SYSTEM SHALL BE DETERMINED ON A SITE-BY-SITE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*Barristers'*  
*reporting service*

1 BASIS.

2 OH, ONE OTHER ASPECT OF THIS REGULATION  
3 REQUIRES GAS CONTROL IN THE ENCLOSED FACILITY STRUCTURES,  
4 AND I MENTION THAT IN THE REGULATION.

5 MR. ORR: WE'LL MOVE ON, THEN, BACK INTO THE  
6 BOARD PACKET.

7 CHAIRMAN GALLAGHER: BILL, THERE'S ABOUT SEVEN  
8 MINUTES LEFT ON YOUR SCHEDULE. YOU SCHEDULE IT THE WAY  
9 YOU LIKE.

10 MR. ORR: SURE. WE'LL BE MOVING, THEN, TO  
11 SECTION 17787 REGARDING RECORDING.

12 MS. TRGOVCICH: I'M GOING TO HAVE TO ASK SOMEONE  
13 ELSE WHAT THE PAGE --

14 MR. ORR: PAGE 47 IN THE BOARD PACKET.

15 MS. TRGOVCICH: OKAY. I DON'T HAVE YOUR  
16 NUMBERING DOWN HERE.

17 THE RECORDING STANDARD IS ONE THAT WE WENT  
18 OVER AT THE MEETING MANY MONTHS AGO. WHAT THIS STANDARD  
19 ATTEMPTS TO DO IS TO PROVIDE SOME SORT OF NOTIFICATION TO  
20 ANY INDIVIDUAL WHO IS INTERESTED IN THE PROPERTY, TO  
21 PROVIDE NOTIFICATION TO LOCAL AGENCIES WHO ARE  
22 RESPONSIBLE FOR PLANNING IN THE COUNTY A DESCRIPTION OF  
23 THE SITE, A DESCRIPTION OF -- A GENERAL DESCRIPTION OF  
24 THE WASTE MANAGEMENT UNITS, THE FACT THAT THE LANDFILL  
25 HAS BEEN CLOSED, AND THE FACT THAT ITS POSTCLOSURE USE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

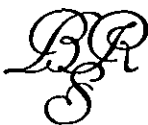
1 MAY BE LIMITED, AND TO REFER TO THE POSTCLOSURE  
2 MAINTENANCE PLAN FOR ANY LIMITATIONS ON THE USE OF THAT  
3 PROPERTY.

4 SO WHAT THIS SECTION DOES -- AND I WON'T  
5 READ IT FOR YOU BECAUSE IT REMAINS ESSENTIALLY THE SAME  
6 AS WHEN WE DISCUSSED IT LAST TIME -- IS IT REQUIRES  
7 SPECIFIC ITEMS, IT REQUIRES THAT THESE ITEMS BE FILED  
8 WITH THE BOARD, THE LOCAL ENFORCEMENT AGENCY, THE LOCAL  
9 PLANNING AGENCY, AND THAT THE REPORT CONTAIN CERTAIN  
10 ITEMS OF INFORMATION.

11 AND, HOPEFULLY, WHAT WE EXPECT IS THAT ANY  
12 INDIVIDUAL THAT WOULD BE INTERESTED IN THAT PIECE WOULD  
13 THEN FURTHER REFERENCE THE POSTCLOSURE MAINTENANCE PLAN,  
14 WHICH THEY COULD OBTAIN FROM THE LOCAL ENFORCEMENT AGENCY  
15 OR BOARD.

16 MR. ORR: WE'RE GOING TO SKIP, THEN, TO A  
17 SECTION THAT APPLIES TO BOTH THE FINAL COVER AND THE GAS  
18 CONTROL SECTIONS DEALING WITH POSTCLOSURE LAND USE, AND  
19 THAT BEGINS ON PAGE 54 OF THE BOARD PACKET. AND I'LL  
20 TURN THE MICROPHONE BACK OVER TO DAVE.

21 MR. VOLDEN: ON PAGE 54, 17796. BUILDING ON  
22 LANDFILLS PRESENTS SIGNIFICANT RISKS TO STRUCTURE DUE TO  
23 LANDFILL GAS AND SETTLEMENT. INTEGRITY OF CONTAINMENT  
24 SYSTEMS MAY BE COMPROMISED BY CONSTRUCTION. AS A RESULT,  
25 RISK TO HUMAN HEALTH AND SAFETY MAY BE INCREASED.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1                   REGULATIONS ARE NEEDED TO ESTABLISH  
2 NOTIFICATION PROCEDURES WHEN POSTCLOSURE CONSTRUCTION IS  
3 PROPOSED, AND TO PROVIDE THE BOARD AND LEA WITH AN  
4 APPROVAL OR AN EVALUATION PROCESS, AND TO SET MINIMUM  
5 REQUIREMENTS FOR CONSTRUCTION ON LANDFILLS.

6                   ACCORDING TO THIS SECTION, CONSTRUCTION  
7 PROJECTS DURING CLOSURE AND POSTCLOSURE MUST BE SUBMITTED  
8 TO THE BOARD AND LEA FOR REVIEW AND COMMENT.  
9 CONSTRUCTION SHALL NOT BE ALLOWED WHICH THREATENS THE  
10 INTEGRITY OF THE FINAL COVER OR LINER SYSTEMS OR  
11 THREATENS THE INTEGRITY OF THE CONTAINMENT SYSTEMS OR  
12 MONITORING SYSTEMS.

13                   ON PAGE 56, SOME OF THE HIGHLIGHTS OF THIS  
14 THAT HAVE CHANGED SINCE THE LAST TIME UNDER C, SMALL C,  
15 THE FIRST SMALL C -- THE SECOND SMALL C IS IN ERROR.

16                   BUILDINGS ON TOP OF LANDFILLS, NO. 1,  
17 REQUIRE AUTOMATIC METHANE GAS SENSORS TO TRIGGER AN  
18 AUDIBLE ALARM WHEN METHANE IS DETECTED. NO BASEMENT  
19 CONSTRUCTION IS ALLOWED ON TOP OF THE LANDFILL. THE  
20 BOARD OR LEA MAY REQUIRE ADDITIONAL SOIL PRIOR TO THE  
21 CONSTRUCTION OF ANY BUILDING OR ANY CONSTRUCTION TO  
22 PROTECT THE INTEGRITY OF THE FINAL COVER. AND, FOUR,  
23 PILINGS SHALL NOT BE INSTALLED IN OR THROUGH THE BARRIER  
24 ZONE.

25                   MR. ORR: THAT PRETTY MUCH CONCLUDES OUR



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Harristers'*  
*reporting service*

1 PRESENTATION OF THE STANDARDS THAT WE'VE BEEN WORKING ON,  
2 THE ACTUAL UNIFORM STANDARDS. AND WE WILL BE BRINGING  
3 BACK TO YOU ADDITIONAL INFORMATION REGARDING THE ELEMENTS  
4 OF THE CLOSURE PLAN AND SO FORTH AT YOUR DISCRETION.

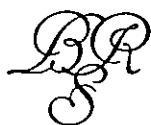
5 BOARD MEMBER BEAUTROW: MR. CHAIRMAN.

6 CHAIRMAN GALLAGHER: YES, MR. BEAUTROW.

7 BOARD MEMBER BEAUTROW: AN OVERALL COMMENT, AND  
8 I HOPE THE REST OF THE BOARD WOULD BE SUPPORTIVE OF THIS  
9 AND IT MAY BE A LITTLE BIT UNUSUAL, BUT I FEEL THAT THESE  
10 ARE SO COMPLEX AND DETAILED THAT THERE MUST BE SOME WAY  
11 TO MAKE AN EXECUTIVE SUMMARY OF THIS IN PLAIN ENGLISH,  
12 AND YOU REALLY HAVE TO WORK TO DO THIS, BUT ON ONE OR TWO  
13 PAGES THAT PEOPLE WOULD -- THEY COULD RECEIVE THIS AND  
14 THEN THEY'D KNOW WHAT THE IMPLICATIONS OF ALL OF THIS ARE  
15 AND THEY COULD, OF COURSE, GO LOOK AT THE DETAILS.

16 BUT I DON'T KNOW THAT THAT HAS BEEN DONE  
17 TOO OFTEN AND MAYBE YOU CAN'T MAKE IT A PART OF THE  
18 REGULATORY PROCESS, BUT I REALLY THINK THAT, BECAUSE THIS  
19 IS SO FAR REACHING AND IT'S NEW, THAT THERE OUGHT TO BE  
20 SOME MECHANISM TO DO THIS, AND SO I WONDERED IF THAT IS A  
21 REASONABLE APPROACH.

22 MR. EOWAN: WELL, IT MIGHT BE REASONABLE IF IT'S  
23 POSSIBLE. WHAT WE'VE DONE IS GIVE YOU FOR EACH PROPOSED  
24 SECTION A PROBLEM STATEMENT IN PLAIN ENGLISH AND A NEED  
25 FOR REGULATION IN PLAIN ENGLISH, WHICH, IN EFFECT, IS A



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*



1 SYNOPSIS OF WHAT WE'RE TRYING TO DO BEFORE WE GET TO THE  
2 TECHNICAL LANGUAGE. WHAT ADDITIONAL WE COULD DO I'M NOT  
3 SURE WOULD ADD MUCH TO WHAT WE'VE ALREADY DONE.

4 BOARD MEMBER BREMBERG: ARE ALL OF THESE THINGS  
5 GOING TO BE INCLUDED WITH THIS?

6 MR. ORR: IN THE FORMAL OAL PROCESS, WHEN WE GET  
7 THERE, WE WILL BE DEVELOPING AN INITIAL STATEMENT OF  
8 REASONS. AND ALONG WITH THAT PART OF THE DOCUMENTATION  
9 WILL BE AN INFORMATIVE DIGEST.

10 THE WAY THAT WE PRESENTED THE REGULATIONS  
11 HERE IS THAT WE HAVE A DISCUSSION REGARDING A NEED THAT  
12 ACCOMPANIES THE ACTUAL LANGUAGE. WHEN IT ACTUALLY IS  
13 SUBMITTED FORMALLY IN THE PROCESS, THE LANGUAGE WILL BE  
14 PULLED OUT AND WILL BE ONE SECTION RIGHT AFTER THE OTHER,  
15 AND THE INFORMATIVE DIGEST WILL BE ONE COMPANION DOCUMENT  
16 THAT WILL DESCRIBE IN PLAIN LANGUAGE WHAT'S INTENDED.

17 BOARD MEMBER BEAUTROW: YOU KNOW IN LEGISLATION  
18 THEY HAVE THE -- RIGHT AT THE BEGINNING --

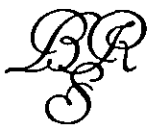
19 MR. ORR: THE ANALYSIS.

20 BOARD MEMBER BEAUTROW: -- THE DIGEST, OKAY.  
21 THIS IS WHAT I'M SEEKING. AND DON'T TELL ME IT CAN'T BE  
22 DONE BECAUSE ANYTHING CAN BE SUMMARIZED IF THERE IS THE  
23 WILL AND THE ABILITY TO MAKE STUFF CONCISE. I KNOW YOU  
24 KEEP GETTING OFF ON TANGENTS, BUT IT CAN BE DONE, BELIEVE  
25 ME, AND THIS IS WIDESPREAD, AND I JUST FEEL VERY STRONGLY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1 ABOUT IT. IT'S SO COMPLICATED AND TECHNICAL. YOU CAN  
2 EXPLAIN ABOUT THE PREAMBLES AND ALL THAT, BUT I JUST FEEL  
3 THERE OUGHT TO BE SOME MECHANISM, AND THAT'S A  
4 SUGGESTION.

5 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

6 CHAIRMAN GALLAGHER: YES, MR. MOSCONE.

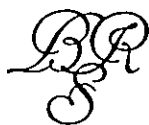
7 BOARD MEMBER MOSCONE: I WOULD HATE TO HAVE TO  
8 BE THE ONE TO TRY TO REDUCE THIS DOWN TO A COUPLE OF  
9 PAGES OR SO. YOU KNOW, I JUST KEEP THINKING, WELL, I GOT  
10 TO TELL THEM ABOUT THIS, AND I GOT TO TELL THEM ABOUT  
11 THAT AND ALL OF THAT. THAT'S AN AWFUL LOT OF READING,  
12 AND SOME OF IT, I WILL ADMIT, IS OVER MY HEAD. AND WHEN  
13 YOU GET ALL OF THESE FORMULAS AND ALL OF THAT KIND OF  
14 STUFF, I JUST SKIP THAT BECAUSE I DON'T KNOW WHAT IT'S  
15 ALL ABOUT.

16 BUT, PHIL, I'M JUST AFRAID THAT SOME KIND  
17 OF A SUMMARY WOULD BE AS THICK AS WHAT WE'VE GOT HERE.

18 BOARD MEMBER CALLOWAY: MR. CHAIRMAN.

19 CHAIRMAN GALLAGHER: MR. CALLOWAY.

20 BOARD MEMBER CALLOWAY: I THINK WE MIGHT HAVE A  
21 LEGAL PROBLEM WITH THIS THING. I WOULD BE SCARED TO  
22 DEATH THAT WE WOULD PUT SOMETHING IN A SUMMARY THAT --  
23 AND WE DIDN'T PUT SOMETHING FROM THE REGS IN THERE OR  
24 SOMETHING, AND SOMEBODY MIGHT SAY, "WELL, LOOK, I READ  
25 THE SUMMARY OF THE THING AND THAT LOOKED OKAY TO ME, AND



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Harristers'*  
*reporting service*

1 NOW YOU'RE COMING BACK AND YOU'RE JUMPING ON ME." I  
2 THINK THAT'S THE REASON THESE REGS ARE SO TECHNICAL. I  
3 BELIEVE THAT. I DON'T KNOW. I'D BE INTERESTED IN WHAT  
4 THE COUNSEL HAS TO SAY ABOUT THAT.

5 ATTORNEY CONHEIM: MR. CHAIRMAN AND MEMBERS, WE  
6 SHOULD CLARIFY ONE MORE TIME WHAT WE HAVE DONE. WE  
7 DESIGNED THE PRESENTATION AND ALL OF THESE PACKAGES TO  
8 INCLUDE THE SUMMARIES THAT SOME OF YOU HAVE REQUESTED.  
9 THE PARAGRAPH FOR EACH REGULATION CALLED "PROBLEMS WITH  
10 THE CURRENT REGULATION," AND THE PARAGRAPH FOR EACH  
11 REGULATION CALLED "NEED FOR REGULATION" ARE, IN FACT,  
12 THOSE SUMMARIES.

13 THEY WILL BE CULLED OUT AND CAN BE CULLED  
14 OUT WITH WORD PROCESSORS AND PUT ALL ON SEVERAL PAGES.  
15 AND THEY ARE ACTUALLY REQUIRED. THIS TYPE OF LANGUAGE IS  
16 ACTUALLY REQUIRED FOR THE OAL PROCESS, AS BILL JUST  
17 EXPLAINED. IN FACT, WHAT YOU ARE ASKING FOR HAS BEEN  
18 DONE AND IS IN THIS ITEM TODAY. IT IS JUST NOT ALL ON  
19 ONE PAGE, BUT WE CAN DO THAT, AND WE'RE PREPARED TO DO  
20 THAT.

21 CHAIRMAN GALLAGHER: ANYTHING FURTHER? IS THERE  
22 ANY COMMENTS BEFORE WE MOVE TO THE OTHER ITEMS ON THE  
23 AGENDA FROM THE PUBLIC ON THE ITEMS THAT HAVE BEEN  
24 COVERED UP TO NOW? YES.

25 MR. EDGAR: EVAN EDGAR FROM PUBLIC WORKS, KERN



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Harristers'*  
*reporting service*

1 COUNTY. I'M REALLY HAPPY TO SEE THE PERFORMANCE  
2 STANDARDS INSIDE OF HERE, SUCH AS BILL ORR PRESENTED. IT  
3 GIVES KERN COUNTY AND BAKERSFIELD A LOT OF FLEXIBILITY.  
4 I THINK IT IS OF BENEFIT TO US, AND WE'RE HAPPY TO SEE IT  
5 BECAUSE WE'VE BEEN DEALING WITH THE REGIONAL BOARD FOR  
6 THE LAST COUPLE OF YEARS, AND THEY ARE SO PRESCRIPTIVE  
7 THAT IT'S HARD TO PUT SOME REASON INTO SOME OF THOSE  
8 REGULATIONS. I'M GLAD TO SEE THE WASTE MANAGEMENT BOARD  
9 COME UP WITH SOME PERFORMANCE STANDARDS.

10 CHAIRMAN GALLAGHER: THANK YOU. IF THERE IS NOT  
11 ANY FURTHER COMMENT, WE'RE NOW GOING TO MOVE BACK TO THE  
12 AGENDA. WE'RE GOING TO HEAR ITEM NO. 2 AND ITEM NO. 8,  
13 IN THAT SEQUENCE, BECAUSE THEY ARE INVOLVED IN THE SAME  
14 COUNTY AND AREA. SO WE'RE READY TO PROCEED WITH NO. 2 IF  
15 STAFF IS.

16 MR. OLDALL: YES, MR. CHAIRMAN. ITEM NO. 2 IS  
17 THE CONSIDERATION OF AN AMENDMENT TO THE ORANGE COUNTY  
18 SOLID WASTE MANAGEMENT PLAN. AND JUST A LITTLE BIT OF  
19 BACKGROUND ON THIS, I THINK THE PRIMARY REASON FOR THIS  
20 IS THE ANTICIPATED CLOSURE OF THE COYOTE CANYON LANDFILL  
21 IN 1989.

22 WITHOUT FURTHER ADO, PERHAPS I COULD  
23 INTRODUCE STEVEN AULT FROM THE LOCAL PLANNING DIVISION  
24 WHO WILL BE PRESENTING THE ITEM. STEVEN.

25 MR. AULT: YES. GOOD MORNING, MR. CHAIRMAN AND



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

1 BOARD MEMBERS.

2 THE CURRENT ORANGE COUNTY SOLID WASTE  
3 MANAGEMENT PLAN HAS AN OBJECTIVE WHICH ALLOWS CITIES TO  
4 ESTABLISH NEEDED SOLID WASTE FACILITIES. THE CITY OF  
5 NEWPORT BEACH REQUESTED A PLAN AMENDMENT TO ESTABLISH A  
6 NEW CITY OPERATED TRANSFER STATION.

7 THE CITY STATES THAT THE FACILITY IS NEEDED  
8 FOR SEVERAL REASONS. THE CITY DESIRES A MORE  
9 COST-EFFECTIVE REFUSE COLLECTION AND HAUL PROGRAM,  
10 ESPECIALLY WITH THE IMPENDING CLOSURE OF COYOTE CANYON IN  
11 APPROXIMATELY APRIL 1989. THIS CLOSURE WILL REQUIRE A  
12 LONGER HAUL OF CITY WASTE TO THE PROPOSED BEE CANYON  
13 LANDFILL WHEN IT OPENS, AND IN THE INTERIM TO OTHER  
14 LANDFILLS IN THE AREA, SUCH AS SANTIAGO OR PRIMA.

15 ADDITIONALLY, THE CITY WISHES TO CONTRIBUTE  
16 TO THE 20-PERCENT RECYCLING GOAL BY EXPANDING ITS  
17 RECYCLING OPERATION OVER THE LONG TERM. THE CITY  
18 REQUESTED THE COUNTY, ORANGE COUNTY, TO PREPARE A PLAN  
19 AMENDMENT TO SITE THE NEW TRANSFER STATION. THE ORANGE  
20 COUNTY WASTE MANAGEMENT AGENCY DID PREPARE THE AMENDMENT,  
21 AND THE COUNTY BOARD OF SUPERVISORS APPROVED IT.

22 THE -- WITH REGARD TO COMPLIANCE WITH CEQA,  
23 THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, THE CITY OF  
24 NEWPORT BEACH PREPARED AND CERTIFIED A NEGATIVE  
25 DECLARATION FOR THE FACILITY AND ADOPTED MITIGATION

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

1 MEASURES. THE CITY FILED A NOTICE OF DETERMINATION FOR  
2 THE PROJECT WITH THE LOCAL CLERK AND THE STATE CLEARING  
3 HOUSE.

4 WITH REGARD TO LOCAL APPROVAL OF THE PLAN  
5 AMENDMENT, THE ORANGE COUNTY BOARD OF SUPERVISORS  
6 APPROVED THE AMENDMENT TO ALLOW THE CITY TO ESTABLISH THE  
7 FACILITY. THE PLAN AMENDMENT WAS THEN APPROVED BY THE  
8 MAJORITY OF CITIES WITH THE MAJORITY OF THE POPULATION IN  
9 THE COUNTY. THE COUNTY THEN FILED THE REQUIRED NOTICE OF  
10 DETERMINATION WITH THE COUNTY CLERK AND THE STATE  
11 CLEARING HOUSE.

12 STAFF HAS REVIEWED THE ORANGE COUNTY PLAN  
13 AMENDMENT AND FINDS IT IS CONSISTENT WITH THE BOARD'S  
14 STATE POLICY AND PLANNING GUIDELINES. STAFF RECOMMENDS  
15 THE BOARD SELECT OPTION NO. 3 AND APPROVE THE AMENDMENT  
16 TO THE ORANGE COUNTY SOLID WASTE MANAGEMENT PLAN AS  
17 SUBMITTED AND ADOPT RESOLUTION NO. 89-1.

18 ORANGE COUNTY WAS UNABLE TO SEND A  
19 REPRESENTATIVE FOR THE BOARD MEETING THIS MORNING, AND  
20 THEY OFFER THE BOARD THEIR APOLOGIES. I'LL BE HAPPY TO  
21 ANSWER ANY QUESTIONS YOU MAY HAVE REGARDING THE PLAN  
22 AMENDMENT.

23 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

24 CHAIRMAN GALLAGHER: MS. BREMBERG.

25 BOARD MEMBER BREMBERG: I WOULD MOVE RESOLUTION

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO  
213-622-8511 714-953-4447 619-455-1997



*barristers'*  
*reporting service*

1 89-1.

2 BOARD MEMBER MOSCONE: SECOND.

3 CHAIRMAN GALLAGHER: WE HAVE MOVED AND SECONDED  
4 THAT WE MOVE ITEM 89-1. ARE THERE ANY FURTHER ITEMS OF  
5 DISCUSSION? IF NOT SO, ALL THOSE IN FAVOR? OPPOSED? IT  
6 IS CARRIED AND SO ORDERED.

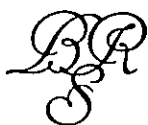
7 WE MOVE TO ITEM NO. 8.

8 MR. OLDALL: YES, MR. CHAIRMAN. AND JUST AS A  
9 POINT OF INTEREST HERE, I THINK YOU WILL FIND ITEM 8  
10 UNDER TAB NO. 10 IN THE BOARD PACKAGE SINCE THIS IS A  
11 THURSDAY. PAGE 185 OF THE BOARD PACKET, I THINK THE ITEM  
12 COMMENCES.

13 AND THIS WILL NOW BE TO CONSIDER --  
14 CONSIDERATION OF DETERMINATION OF CONFORMANCE TO THE  
15 ORANGE COUNTY SOLID WASTE MANAGEMENT PLAN AND CONCURRENCE  
16 IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT  
17 FOR THE NEWPORT BEACH TRANSFER STATION IN ORANGE COUNTY.

18 THIS, AGAIN, IS ONE OF THOSE  
19 DOUBLE-BARRELED ITEMS WHERE WE WILL BE HAVING THE  
20 PLANNING UNIT DEAL WITH THE CONSIDERATION OF CONFORMANCE  
21 AND THEN THE PERMITS UNITS DEALING WITH THE PERMITS  
22 ISSUE. SO I THINK CONTINUE THE ITEM.

23 MR. DIER: THANK YOU, MR. CHAIRMAN AND BOARD  
24 MEMBERS. AS STEVE JUST INDICATED, THE FACILITY IS  
25 PROPOSED AS A NEW LARGE-VOLUME TRANSFER STATION.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

*barristers'*  
*reporting service*

1 JUST AS A FEW BACKGROUND FACTS, THE  
2 FACILITY WILL BE CONSTRUCTED AT THE EXISTING CORPORATE  
3 YARD IN THE CITY OF NEWPORT BEACH. THE FACILITY WILL BE  
4 DESIGNED TO ACCEPT ABOUT HALF OF THE CITY'S CURRENT WASTE  
5 STREAM, AND THE PERMIT WILL HAVE A LIMIT OF 75 TONS PER  
6 DAY IN IT.

7 THE FACILITY WILL BE QUITE SIMPLE IN ITS  
8 DESIGN. IT WILL BE DIRECT DUMPING FROM THE PACKER TRUCKS  
9 INTO HOPPERS WHICH WILL LOAD DIRECTLY INTO THE TRANSFER  
10 TRAILERS. THE PERMIT WAS RECEIVED BY THE BOARD ON  
11 DECEMBER 21ST; AND, THEREFORE, THE LAST DAY THE BOARD  
12 COULD CONSIDER THE PERMIT IS THE 30TH, AND THAT'S OUR  
13 REASON FOR HAVING IT TO YOU THIS MORNING.

14 I'D LIKE TO LET STEVE AULT NOW DISCUSS THE  
15 ENVIRONMENTAL REVIEW AND CONFORMANCE ISSUES.

16 MR. AULT: THANK YOU, MR. DIER.

17 MR. CHAIRMAN, AND BOARD MEMBERS, THERE ARE  
18 TWO ACTIONS BEFORE THE BOARD THIS MORNING. I WILL NOW  
19 DISCUSS THE FIRST ACTION, THE DETERMINATION OF  
20 CONFORMANCE OF THE PROPOSED NEWPORT BEACH TRANSFER  
21 STATION WITH THE ORANGE COUNTY SOLID WASTE MANAGEMENT  
22 PLAN.

23 THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
24 REQUIRES THAT THE ENVIRONMENTAL IMPACTS OF ANY PROJECT BE  
25 CONSIDERED BY ANY PUBLIC AGENCY WHICH HAS DISCRETIONARY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*



1 AUTHORITY OVER THE PROJECT. THE DETERMINATION OF  
2 CONFORMANCE AND THE CONCURRENCE IN THE ISSUANCE OF A  
3 SOLID WASTE FACILITIES PERMIT ARE DISCRETIONARY ACTS  
4 UNDER CEQA. THEREFORE, THIS BOARD MUST REVIEW POTENTIAL  
5 ENVIRONMENTAL IMPACTS OF THE TWO ACTIONS UNDER  
6 CONSIDERATION.

7 IN 1988 THE CITY OF NEWPORT BEACH PREPARED  
8 AND CIRCULATED A MITIGATED NEGATIVE DECLARATION AT THE  
9 LOCAL LEVEL AND THROUGH THE CLEARING HOUSE IN COMPLIANCE  
10 WITH CEQA REQUIREMENTS. THE CITY IDENTIFIED FOUR  
11 POSSIBLE ADVERSE ENVIRONMENTAL EFFECTS FROM THE PROJECT,  
12 THEN PROPOSED MITIGATION MEASURES WHICH WOULD REDUCE THEM  
13 TO A LEVEL OF INSIGNIFICANCE.

14 THOSE MITIGATION MEASURES ARE A STATION  
15 DESIGN IN OPERATIONAL PROCEDURES THAT WILL ELIMINATE THE  
16 RUNOFF OF REFUSE CONTAMINATED WATER INTO SURFACE WATERS  
17 BY, FOR EXAMPLE, INSTALLATION OF A 1500-GALLON WASTEWATER  
18 RUNOFF SUMP WHICH IS CONNECTED ON THE CITY SEWER.

19 SECONDLY, FACILITY LIGHTING IS TO BE  
20 DIRECTED ONLY ON THE SITE TO REDUCE THE IMPACTS OF EXCESS  
21 LIGHT AND GLARE.

22 THE THIRD MITIGATION MEASURE IS THE CITY'S  
23 CURBSIDE REFUSE SCREENING PROGRAM WHICH WILL LIMIT THE  
24 POTENTIAL FOR HAZARDOUS WASTES TO ENTER THE TRANSFER  
25 STATION.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*Harristers'*  
*reporting service*

1 AND, FOURTHLY, TRANSFER TRAILERS WILL BE  
2 COVERED TO ELIMINATE THE POTENTIAL FOR WINDBLOWN REFUSE  
3 AND REDUCE DUST AND ODOR IMPACTS.

4 STAFF HAS REVIEWED THE MITIGATING NEGATIVE  
5 DECLARATION AND FOUND IT ADEQUATE AND APPROPRIATE FOR THE  
6 BOARD'S CONSIDERATION.

7 BOARD MEMBER BEAUTROW: I HAD ONE QUESTION.

8 CHAIRMAN GALLAGHER: MR. BEAUTROW.

9 BOARD MEMBER BEAUTROW: CAN YOU EXPLAIN, IF YOU  
10 KNOW THE ANSWER, WHY THEY SAID THAT THERE'S 160 TONS PER  
11 DAY THAT THEY COLLECT, BUT THEY ONLY WANT TO TRANSFER 75?  
12 I KNOW THERE'S RECYCLING, BUT WHAT HAPPENS TO -- DOES  
13 ANYBODY KNOW WHAT HAPPENS TO THE BALANCE?

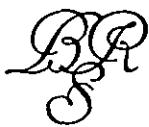
14 MR. DIER: THE CITY IS RESPONSIBLE FOR THE  
15 RESIDENTIAL. THE COMMERCIAL WASTE, WHICH IS PICKED UP BY  
16 PRIVATES, IS THE REMAINDER OF THE WASTE.

17 BOARD MEMBER BEAUTROW: OH, SO THE 160 IS NOT  
18 ALL THAT THEY COLLECT?

19 MR. DIER: RIGHT. THE 160 IS TOTAL COMMERCIAL  
20 RESIDENTIAL. THE CITY IS RESPONSIBLE ONLY FOR  
21 RESIDENTIAL.

22 MR. AULT: REFERRING TO THE -- EXCUSE ME. WE'LL  
23 GO ON TO THE NEXT SLIDE HERE, IF I MAY.

24 REFERRING TO THE SECOND ITEM ON THE SLIDE,  
25 THE ORANGE COUNTY SOLID WASTE MANAGEMENT PLAN WAS AMENDED



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 AND APPROVED AT THE LOCAL LEVEL IN 1988. AND THE PLAN  
2 AMENDMENT WAS APPROVED BY THIS BOARD JUST A FEW MINUTES  
3 AGO IN THE PREVIOUS ACTION.

4 WITH REGARD TO LOCAL APPROVALS THAT HAVE  
5 BEEN OBTAINED, THE GOVERNMENT CODE REQUIRES THAT THE  
6 BOARD MAKE A DETERMINATION OF CONFORMANCE WITH -- IN  
7 ACCORDANCE WITH ESTABLISHED PROCEDURES, WHICH INCLUDE  
8 REQUIREMENTS FOR THE PROJECT PROPONENT TO FILE A NOTICE  
9 OF PROPOSED FACILITY WITH THE BOARD. THAT NOTICE OF  
10 PROPOSED FACILITY WAS FILED WITH THE BOARD STAFF IN  
11 AUGUST 1988 AND IS A PART OF THE AGENDA PACKET.

12 THE ORANGE COUNTY WASTE MANAGEMENT PROGRAM,  
13 THE AGENCY RESPONSIBLE FOR MAINTAINING THE COUNTY SOLID  
14 WASTE MANAGEMENT PLAN, FOUND THE FACILITY IN CONFORMANCE  
15 WITH THE AMENDED COSWMP. BOARD STAFF HAVE REVIEWED THE  
16 NOTICE OF PROPOSED FACILITY AND THE PLAN AMENDMENT AND  
17 HAVE FOUND THE PROJECT TO BE CONSISTENT WITH THOSE FOUR  
18 BOARD CRITERIA FOR DETERMINATION OF CONFORMANCE.

19 THOSE FOUR CRITERIA ARE CONSISTENCY WITH  
20 STATE POLICY, CONSISTENCY WITH THE POLICY AND OBJECTIVES  
21 OF THE COUNTY SOLID WASTE MANAGEMENT PLAN, CONSISTENCY  
22 WITH THE FACILITIES ELEMENT OF THE PLAN, AND, FINALLY,  
23 COMPLIANCE WITH ALL LOCAL GOVERNMENT REQUIREMENT.

24 THIS COMPLETES MY DISCUSSION OF THE FIRST  
25 ACTION BEFORE THE BOARD. I WILL BE HAPPY TO ANSWER ANY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*Barristers'*  
*reporting service*

1 QUESTIONS YOU MAY HAVE AFTER MR. DIER COMPLETES HIS  
2 PRESENTATION ON THE SECOND BOARD ACTION. THANK YOU.

3 MR. DIER: THE CITY OF NEWPORT BEACH FILED AN  
4 APPLICATION AND REPORT OF STATION INFORMATION FOR THE  
5 PROPOSED FACILITY. STAFF HAS REVIEWED THESE DOCUMENTS  
6 AND FIND THEM ADEQUATE.

7 IN SUBMITTING THE PERMIT TO THE BOARD, THE  
8 LOCAL ENFORCEMENT AGENCY IS REQUIRED TO MAKE THREE  
9 STATUTORY FINDINGS. FIRST OF ALL, THE PROPOSED PERMIT IS  
10 TO BE CONSISTENT WITH THE ORANGE COUNTY SOLID WASTE PLAN,  
11 WHICH, BY NOW, EVERYONE SHOULD HAVE FIGURED IT OUT, IT  
12 APPEARS TO BE.

13 THE PERMIT SHOULD BE CONSISTENT WITH STATE  
14 STANDARDS, AND STAFF HAVE VISITED THE SITE AND HAVE  
15 DISCUSSED THE PROJECT WITH THE LEA AND WITH THE CITY, AND  
16 HAVE REVIEWED THE DESIGN PLANS AND FEEL COMFORTABLE THAT  
17 THE FACILITY, IF BUILT AS PROPOSED, CAN COMPLY WITH STATE  
18 STANDARDS. AND THE FACILITY IS TO BE DESIGNATED IN THE  
19 GENERAL PLAN OF THE CITY OF NEWPORT BEACH, AND THIS HAS  
20 BEEN DONE.

21 STAFF HAS REVIEWED THE PROPOSED PERMIT AND  
22 SUPPORTING DOCUMENTS AND FIND THE PERMIT'S FORM AND  
23 CONTENT TO BE ACCEPTABLE. UPON THAT BASIS, STAFF IS ABLE  
24 TO RECOMMEND TO YOU THIS MORNING THAT THE BOARD ADOPT  
25 DETERMINATION OF CONFORMANCE NO. 89-7 AND PERMIT DECISION

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 NO. 89-16.

2 WE HAVE A REPRESENTATIVE, DAVE NIEDERHAUS,  
3 FROM THE CITY OF NEWPORT AVAILABLE TO ANSWER ANY  
4 QUESTIONS YOU MAY HAVE OF HIM.

5 CHAIRMAN GALLAGHER: ARE THERE ANY QUESTIONS OF  
6 THE GENTLEMAN FROM NEWPORT BEACH? WOULD YOU LIKE TO MAKE  
7 A STATEMENT?

8 MR. NIEDERHAUS: MR. CHAIRMAN, MEMBERS OF THE  
9 BOARD, DAVE NIEDERHAUS, GENERAL SERVICES DIRECTOR, CITY  
10 OF NEWPORT BEACH. APPRECIATE THE OPPORTUNITY TO COMMENT  
11 ON IT.

12 THE PROBLEM THAT WE FACE IS, WITH THE  
13 ISLANDS IN OUR BAY AND THE SMALL STREETS AND ALLEYS, WE  
14 HAVE TO CONTINUE TO USE SMALL PACKER TRUCKS. THEIR  
15 CAPACITY OF TWO TO THREE TONS NEEDS TO BE CONSOLIDATED AT  
16 THIS DIRECT DUMP TRANSFER STATION IN ORDER TO BE MOVED  
17 ECONOMICALLY TO THE LANDFILL, WHICH IS SOME 25 MILES  
18 DISTANCE NOW.

19 WE HAVE BEEN VERY CAREFUL IN THE GENERAL  
20 DESIGN, HIRING A RECOGNIZED CONSULTANT TO DESIGN AND  
21 PREPARE OUR APPLICATION, AND WE HAVE COMPLIED WITH ALL  
22 LOCAL, STATE, AND REGIONAL REQUIREMENTS. WE INTEND TO  
23 EXPAND OUR RECYCLING PROGRAM, WHICH IS ONE OF THE OLDEST  
24 IN THE STATE AT THIS TIME, FROM 1974, NEWSPAPER  
25 RECYCLING, AND WE WOULD APPRECIATE YOUR SUPPORT IN OUR

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*Barristers'*  
*reporting service*

1 REQUEST.

2 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH. ANY  
3 QUESTIONS?

4 BOARD MEMBER BREMBERG: MR. CHAIRMAN, I WOULD  
5 MOVE THE ADOPTION OF SOLID WASTE FACILITY DETERMINATION  
6 OF CONFORMANCE NO. 89-7 AND SOLID WASTE FACILITY PERMIT  
7 DECISION NO. 89-16.

8 BOARD MEMBER CALLOWAY: SECOND.

9 CHAIRMAN GALLAGHER: WE HAVE A MOTION AND A  
10 SECOND THAT WE CONCUR AND ACCEPT THE STAFF RECOMMENDATION  
11 ON ITEM 89-7 AND 89-16. ANY FURTHER DISCUSSION? IF NOT,  
12 ALL THOSE IN FAVOR? OPPOSED? CARRIED AND SO ORDERED.

13 WE NOW WANT TO GO BACK TO ITEM NO. 4.

14 MR. OLDALL: YES, MR. CHAIRMAN. ITEM NO. 4,  
15 CONSIDERATION OF THE LAKE COUNTY SOLID WASTE MANAGEMENT  
16 PLAN REVIEW REPORT. AND I JUST POINT OUT TO THE BOARD,  
17 BEFORE WE GET INTO THIS ITEM, THIS WAS AN ISSUE THAT THE  
18 COUNTY ORIGINALLY DID NOT WISH TO REVISE THEIR PLAN;  
19 HOWEVER, STAFF WILL BE RECOMMENDING REVISION.

20 CY ARMSTRONG IS THE ANALYST RESPONSIBLE FOR  
21 THIS PARTICULAR COUNTY, SO HE WILL CONTINUE THE ITEM.

22 MR. ARMSTRONG: GOOD MORNING, MR. CHAIRMAN,  
23 BOARD MEMBERS.

24 A COMPLETE PLAN REVISION WAS DONE BY THE  
25 COUNTY IN 1985. IN 1988, THE COUNTY SUBMITTED A PLAN



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 REVIEW REPORT TO THIS BOARD, INDICATING THAT THEIR PLAN  
2 WAS UP-TO-DATE AND THEY DID NOT WISH TO REVISE.

3 A LITTLE BACKGROUND INFORMATION ON THE  
4 COUNTY, LAKE COUNTY IS LOCATED APPROXIMATELY A HUNDRED  
5 MILES NORTHWEST OF SACRAMENTO. THE POPULATION OF THE  
6 COUNTY IS ABOUT 52,000. THERE ARE TWO INCORPORATED  
7 CITIES IN THE COUNTY, WITH THE CITY OF LAKEPORT SERVING  
8 AS THE COUNTY SEAT.

9 THE ECONOMY OF THE COUNTY IS BASED  
10 PRIMARILY ON MINING, AGRICULTURE, AND TOURISM. THE  
11 COUNTY DEPARTMENT OF PUBLIC WORKS IS THE PLAN LIAISON  
12 RESPONSIBLE FOR MAINTAINING THE PLAN, WHILE THE COUNTY  
13 HEALTH DEPARTMENT IS SERVING AS THE LEA.

14 THREE FRANCHISE COLLECTORS SERVE THE  
15 INCORPORATED AND UNINCORPORATED AREAS OF THE COUNTY.  
16 DISPOSAL NEEDS OF THE COUNTY ARE SERVED BY ONE SINGLE  
17 COUNTY-OWNED LANDFILL LOCATED ON DAVIS ROAD IN EASTLAKE.  
18 THE SITE CONSISTS OF 55 ACRES AND IS SLATED TO LAST TO  
19 ABOUT 30 YEARS FROM THE PRESENT.

20 ONE SINGLE TRANSFER STATION IS COUNTY OWNED  
21 AND OPERATED, LOCATED IN THE CITY OF CLEARLAKE, AND  
22 WASTES FROM THIS OPERATION ARE TRANSPORTED TO THE COUNTY  
23 LANDFILL.

24 RESOURCE RECOVERY IN THE COUNTY IS CENTERED  
25 AMONG THREE DIFFERENT ENTITIES. THERE IS RESOURCE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1 RECOVERY AT THE TRANSFER STATION AT THE EASTLAKE LANDFILL  
2 AND A BUY-BACK CENTER IN SOUTHLAKE. MORE ACCURATE AND  
3 EXTENSIVE INFORMATION ON THE RECYCLING PROGRAM IN THE  
4 COUNTY WILL BE GENERATED DURING THE PLAN REVISION PROCESS  
5 IN ORDER TO REACH THE 20-PERCENT RECYCLING GOAL.

6 CURRENT ISSUES IN THE COUNTY SOLID WASTE  
7 MANAGEMENT PLAN AND THE SITUATION ARE THE COMPLETION OF  
8 THE CALDERON AND SUBCHAPTER 15 REQUIREMENTS FOR THE  
9 COUNTY LANDFILL AND COMPLETION OF A LEACHATE SYSTEM AT  
10 THE COUNTY LANDFILL.

11 SINCE THE PLAN WAS REVISED SOME THREE YEARS  
12 AGO, THERE HAVE BEEN A COUPLE OF IMPROVEMENTS TO THE  
13 SYSTEM. ONE WAS THE INSTALLATION OF WATER QUALITY  
14 MONITORING WELLS AT THE COUNTY'S LANDFILL AND, AGAIN,  
15 SOME IMPROVED OPERATIONAL TECHNIQUES IN THE WAY OF  
16 COMPACTION AT THE LANDFILL.

17 THE COUNTY SOLID WASTE MANAGEMENT PLAN  
18 REVIEW REPORT HAS BEEN SUBMITTED TO THE BOARD, AS I  
19 MENTIONED, WITH THE COUNTY FEELING THAT IT WAS UP-TO-DATE  
20 AND NOT WISHING TO REVISE THE PLAN AT THIS TIME. STAFF  
21 HAS REVIEWED THE PLAN, VISITED THE COUNTY, TALKED TO  
22 COUNTY OFFICIALS, AND VISITED SOLID DISPOSAL SITES AND  
23 BELIEVES IN ORDER TO BRING THE PLAN INTO CURRENT  
24 COMPLIANCE AND ALSO MEET THE RECENT LEGISLATIVE  
25 REQUIREMENTS IN THE GOVERNMENT CODE, THERE ARE A NUMBER



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*



1 OF AREAS THAT SHOULD BE REVISED.

2 THEY ARE THE DISPOSAL AND PROCESSING OF  
3 WASTE; RESOURCE RECOVERY; ECONOMIC FEASIBILITY, WHICH  
4 WOULD INCLUDE LANDFILL CLOSURE TECHNIQUES AND FINANCE  
5 REQUIREMENTS; UPDATE THEIR IMPLEMENTATION SCHEDULE;  
6 INCLUDE AN ASBESTOS DISPOSAL PROGRAM, AGAIN A NEW  
7 LEGISLATIVE REQUIREMENT AS OF ABOUT A YEAR AGO; AGAIN,  
8 IDENTIFICATION OF A 20-PERCENT RECYCLING GOAL AND A  
9 PROGRAM TO IMPLEMENT IT; AND VERIFICATION OF EIGHT YEARS  
10 OF REMAINING DISPOSAL CAPACITY, WHICH, AGAIN, IS A RECENT  
11 LEGISLATIVE REQUIREMENT.

12 STAFF, THEREFORE, RECOMMENDS THE BOARD  
13 ACCEPT THE PLAN REVIEW REPORT AND ADOPT RESOLUTION 89-2.

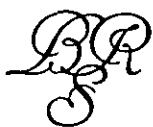
14 BOARD MEMBER MOSCONE: QUESTION, MR. CHAIRMAN.

15 CHAIRMAN GALLAGHER: MR. MOSCONE HAS A QUESTION.

16 BOARD MEMBER MOSCONE: CY, CORRECT ME IF I'M  
17 WRONG. THE -- AS I READ THIS, THE LAKE COUNTY DIVISION  
18 OF ENVIRONMENTAL HEALTH IS THE LEA?

19 MR. ARMSTRONG: YES, SIR.

20 BOARD MEMBER MOSCONE: NOW, IT SAYS OF THEIR  
21 RESPONSIBILITIES, THE LAKE COUNTY DIVISION OF  
22 ENVIRONMENTAL HEALTH IS RESPONSIBLE FOR MAINTAINING THE  
23 COUNTY SOLID WASTE MANAGEMENT PLAN, OPERATING THE COUNTY  
24 LANDFILL, AND FOR OVERSEEING THE COLLECTION SERVICES IN  
25 THE COUNTY.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

*Harristers*  
*reporting service*

1 MR. ARMSTRONG: THAT WAS A TYPOGRAPHICAL ERROR.  
2 IT IS THE DEPARTMENT OF PUBLIC WORKS THAT IS RESPONSIBLE  
3 FOR THAT.

4 BOARD MEMBER MOSCONE: OH. I WAS GOING TO SAY  
5 THAT THEY OPERATE -- IF THEY'RE OPERATING THE LANDFILL  
6 AND ALL, HOW DO THEY GET TO BE THE LEA?

7 MR. ARMSTRONG: I THINK IT'S A COMPUTER VIRUS WE  
8 HAVE THERE.

9 WE DO HAVE WITH US TODAY IN THE AUDIENCE  
10 MR. JERRY SHAUL, THE DEPUTY DIRECTOR OF COUNTY OF PUBLIC  
11 WORKS, WHO HAS SOMETHING TO SAY, I BELIEVE.

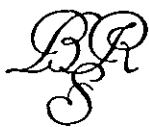
12 JERRY, COULD YOU STEP UP, PLEASE.

13 MR. SHAUL: THANK YOU. CY MENTIONED MY NAME IS  
14 JERRY SHAUL. I HAD THE OPPORTUNITY YESTERDAY TO REVIEW  
15 STAFF'S REPORT WITH CY, AND I THINK WE'RE RECONCILED TO  
16 THE FACT THAT WE NEED TO UPDATE OUR PLAN BASICALLY DUE TO  
17 NEW LEGISLATION. AND UNLESS YOU HAVE ANY QUESTIONS, WE  
18 HAVE NO FURTHER COMMENTS.

19 BOARD MEMBER MOSCONE: I HAVE A QUESTION. I'M  
20 SORRY. I DIDN'T PICK UP YOUR NAME.

21 CHAIRMAN GALLAGHER: SHAUL.

22 BOARD MEMBER MOSCONE: SHAUL. DO YOU STILL HAVE  
23 THE FAMILY OPERATING UP THERE -- THEY WERE IN THE  
24 COLLECTION -- THEY'RE FROM SAN FRANCISCO. THEY WERE  
25 BOXERS --



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 MR. SHAUL: YES, BUTCHERS.

2 BOARD MEMBER MOSCONE: BUTCHERS. I COULDN'T  
3 RECALL THE NAME TO SAVE MY LIFE. THEY'RE STILL UP THERE?

4 MR. SHAUL: HE'S MY NEXT DOOR NEIGHBOR.

5 BOARD MEMBER MOSCONE: OH, REALLY. SAY HELLO.

6 MR. SHAUL: I WILL.

7 CHAIRMAN GALLAGHER: THANK YOU, MR. SHAUL.

8 YOU'VE HEARD THE STAFF RECOMMENDATION --  
9 MR. BEAUTROW.

10 BOARD MEMBER BEAUTROW: MOVE RESOLUTION 89-2.

11 CHAIRMAN GALLAGHER: HAVE A SECOND?

12 BOARD MEMBER BROWN: SECOND.

13 CHAIRMAN GALLAGHER: IT'S BEEN MOVED AND  
14 SECONDED THAT WE MOVE 89-2. ALL THOSE IN FAVOR?  
15 OPPOSED? CARRIED AND SO ORDERED.

16 WE WILL NOW MOVE TO ITEM NO. 5.

17 MR. OLDALL: MR. CHAIRMAN, THIS ITEM IS THE  
18 CONSIDERATION OF THE TUOLUMNE COUNTY SOLID WASTE  
19 MANAGEMENT PLAN REVIEW REPORT, AND I THINK CY ARMSTRONG  
20 CAN CONTINUE THE ITEM.

21 MR. ARMSTRONG: AGAIN, THIS PLAN WAS REVISED  
22 COMPLETELY IN OCTOBER OF 1985. IN SEPTEMBER OF 1988, THE  
23 COUNTY SUBMITTED A PLAN REVIEW REPORT. HOWEVER, THIS  
24 COUNTY INDICATED THAT THEY FELT THE PLAN WAS OUTDATED AND  
25 THEY DID NEED A PLAN REVISION.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*

1 TUOLUMNE COUNTY IS LOCATED, AGAIN, ABOUT A  
2 HUNDRED MILES SOUTHEAST OF SACRAMENTO. THE POPULATION OF  
3 THIS COUNTY IS ABOUT 45,000. THERE IS ONE SINGLE  
4 INCORPORATED CITY, WHICH IS SONORA, WHICH ALSO SERVES AS  
5 THE COUNTY SEAT. THE ECONOMY OF THE COUNTY IS BASED  
6 PRIMARILY ON AGRICULTURE, TOURISM, AND TIMBER.

7 THE COUNTY DIVISION OF ENVIRONMENTAL HEALTH  
8 IS IN A UNIQUE POSITION IN THIS COUNTY THAT THEY ARE BOTH  
9 THE LEA AND ALSO OVERSEE THE PLAN MAINTENANCE AND HANDLE  
10 FRANCHISES AND THINGS LIKE THAT. SO IN THIS COUNTY, THEY  
11 HAPPEN TO HANDLE THE WHOLE THING.

12 THE COUNTY'S DISPOSAL PROGRAM IS FINANCED  
13 BY USERS FEES, GATE FEES, AND ABOUT TWO YEARS AGO THEY  
14 PUT IN A \$1.00-A-TON SURCHARGE SO THAT THEY COULD DEVELOP  
15 SOME FUNDS TO PROPERLY CLOSE THEIR LANDFILL AND ALSO  
16 ACQUISITION OF SOME LAND TO EXPAND THEIR LANDFILL.

17 THE ENFORCEMENT PROGRAM IS FUNDED BY PERMIT  
18 FEES IN THIS COUNTY. THERE ARE THREE FRANCHISE  
19 COLLECTORS FOR THE ENTIRE COUNTY. THERE IS TWO TRANSFER  
20 STATIONS WITHIN TUOLUMNE COUNTY, ONE LOCATED AT PINE  
21 CREST AND THE OTHER AT TUOLUMNE CITY. BOTH FACILITIES  
22 ARE MANNED DURING OPERATING HOURS.

23 AS FAR AS DISPOSAL, THERE ARE TWO COUNTY  
24 LANDFILLS. THE JAMESTOWN LANDFILL NEAR SONORA IS THE  
25 LARGEST AND RECEIVES ALMOST ALL THE WASTE IN THE COUNTY.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

1 THERE IS ANOTHER LANDFILL CALLED GROVELAND, WHICH IS A  
2 VERY SMALL SITE AND IS PRESENTLY BEING CLOSED, AND THE  
3 COUNTY IS NOW SEARCHING FOR A SITE TO PLACE A TRANSFER  
4 STATION ON THIS TO REPLACE THIS FACILITY.

5 AS I MENTIONED, THE PRIMARY LANDFILL IS THE  
6 JAMESTOWN LANDFILL. THE COUNTY HAS, AGAIN, PURCHASED  
7 SOME ADDITIONAL PROPERTY AND IS IN THE PROCESS OF  
8 EXPANDING THIS FACILITY. COMPLETE INFORMATION REGARDING  
9 THE DISPOSAL ELEMENT WILL BE DEVELOPED DURING THE PLAN  
10 REVISION PROCESS.

11 AS FAR AS RESOURCE RECOVERY, FOR A SMALL  
12 COUNTY THEY HAVE QUITE A BIT. IT'S LOCATED IN SEVERAL  
13 LOCATIONS. THERE IS QUITE AN EXTENSIVE RECYCLING  
14 OPERATION LOCATED AT THE LANDFILL, AND THEY RECOVER ALL  
15 SORTS OF ITEMS THERE AND RESELL THEM. THERE'S ANOTHER  
16 LONG-TERM RECYCLING CENTER CALLED MOTHER LODE NEAR  
17 SONORA, WHICH RECYCLES ALL MANNER OF PAPER, CARDBOARD,  
18 GLASS, ALUMINUM, THINGS LIKE THAT. AND AT THE COLUMBIA  
19 COMMUNITY COLLEGE THERE IS ALSO A SMALL RECYCLING  
20 OPERATION. AGAIN, EXTENSIVE DATA ON THIS RECYCLING  
21 EFFORTS WILL BE DEVELOPED DURING THE PLAN REVISION  
22 PROCESS IN ORDER TO MEET THE 20-PERCENT RECYCLING GOAL.

23 THE COUNTY ENFORCEMENT IS DONE BY THE  
24 HEALTH DEPARTMENT. THE CURRENT ISSUES IN THE COUNTY  
25 SOLID WASTE MANAGEMENT PLAN ARE THE COMPLETION OF THE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 CALDERON AND SUBCHAPTER 15 REQUIREMENTS FOR THE LANDFILL,  
2 INCREASING THE GATE FEES AT THE SOLID WASTE FACILITIES,  
3 SITING THE FOREMENTIONED GROVELAND TRANSFER STATION,  
4 EXPANDING THE JAMESTOWN LANDFILL TO TAKE CARE OF FUTURE  
5 DISPOSAL, AND COMPLETION OF CLOSURE AT A SMALL LANDFILL  
6 CALLED SIERRA CONSERVATION LANDFILL.

7 THERE HAVE BEEN, AGAIN, SEVERAL  
8 IMPROVEMENTS TO THE SYSTEM SINCE THE LAST PLAN REVIEW  
9 REPORT. THEY INCLUDE IMPLEMENTATION OF A SOLID WASTE  
10 SURCHARGE TO GENERATE FUNDS TO KEEP THEIR PROGRAM GOING,  
11 GREATER RECYCLING EFFORTS IN THE COUNTY, AND THE USE OF  
12 IMPROVED COMPACTION EQUIPMENT AT THEIR PRESENT LANDFILL.

13 THE COUNTY, AS I MENTIONED, HAS SUBMITTED A  
14 REPORT TO THE BOARD INDICATING THEY WISH TO REVISE THE  
15 PLAN IN MOST OF THE AREAS. BOARD STAFF, AGAIN, HAS  
16 VISITED THE COUNTY, VISITED THE SOLID WASTE FACILITIES,  
17 TALKED TO COUNTY OFFICIALS, AND BELIEVES THE PLAN SHOULD  
18 ALSO BE REVISED.

19 WE HAVE IDENTIFIED ABOUT THE SAME THINGS AS  
20 THE COUNTY HAS IN THE WAY OF IDENTIFICATION OF SOLID  
21 WASTE, UPDATING THEIR STORAGE COLLECTION ELEMENT,  
22 DISPOSAL AND PROCESSING, RESOURCE RECOVERY, PLANNED  
23 ADMINISTRATION, ECONOMIC FEASIBILITY, INCLUDING CLOSURE  
24 AND POSTCLOSURE FINANCIAL REQUIREMENTS, UPDATING OF THE  
25 IMPLEMENTATION SCHEDULE, INCLUSION OF AN ASBESTOS



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 DISPOSAL PROGRAM, THE INCLUSION OF A SEPTAGE AND SLUDGE  
2 DISPOSAL PROGRAM, IDENTIFICATION OF A 20-PERCENT  
3 RECYCLING GOAL AND PROGRAM TO IMPLEMENT THAT, AND A  
4 PROGRAM FOR THE SAFE MANAGEMENT OF HOUSEHOLD HAZARDOUS  
5 WASTE.

6 STAFF, THEREFORE, RECOMMENDS THAT THE BOARD  
7 ADOPT THE TUOLUMNE COUNTY SOLID WASTE MANAGEMENT PLAN  
8 REVIEW REPORT AND ADOPT RESOLUTION 89-3.

9 CHAIRMAN GALLAGHER: ANY QUESTIONS?

10 MR. ARMSTRONG: IF THE BOARD HAS NO QUESTIONS OF  
11 ME, WE DO HAVE MR. KEN PERKINS, WHO IS DIRECTOR OF  
12 ENVIRONMENTAL HEALTH FOR THE COUNTY, IN THE AUDIENCE, WHO  
13 ALSO WOULD LIKE TO SAY A FEW WORDS. KEN, COULD YOU STEP  
14 UP, PLEASE.

15 MR. PERKINS: GOOD AFTERNOON, MR. CHAIRMAN,  
16 MEMBERS OF THE BOARD. AS CY GAVE YOU HIS PRESENTATION  
17 FOR OUR COUNTY, A GREAT MANY CHANGES HAVE OCCURRED IN OUR  
18 COUNTY, WHICH WE ARE QUITE PROUD OF, IN TRYING TO BRING  
19 THE COUNTY INTO CONFORMANCE WITH ALL THE LAWS AND  
20 REGULATIONS THAT HAVE COME DOWN TO US, AND ALSO PROVIDE  
21 THE CITIZENS OF TUOLUMNE COUNTY WITH A SOLID WASTE  
22 DISPOSAL FACILITY THAT WILL PROVIDE THEM WITH THAT METHOD  
23 OF DISPOSAL FOR MANY YEARS.

24 WE'RE THE THIRD FASTEST GROWING COUNTY IN  
25 CALIFORNIA RIGHT NOW PER POPULATION. SO THERE'S A GREAT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 NUMBER OF CHANGES GOING ON TRYING TO KEEP PACE WITH THOSE  
2 SORTS OF THINGS WITH THE DEVELOPMENT AND SIMILAR.

3 WE JUST COMPLETED OUR COUNTY HAZARDOUS  
4 WASTE MANAGEMENT PLAN, WHICH GOES TO THE BOARD OF  
5 SUPERVISORS NEXT TUESDAY FOR ADOPTION, WHICH WILL BE IN  
6 LIEU OF THE HAZARDOUS WASTE ELEMENT OF OUR COSWMP.

7 ALSO, WE'RE REVIEWING PLANS TO INSTALL  
8 IN -- FOR A PRIVATE INDUSTRY TO PUT A LARGE RECYCLING  
9 FACILITY IN TUOLUMNE COUNTY, WHICH, HOPEFULLY, WILL TAKE  
10 ALL OF THE COMPACTED WASTE IN THE COUNTY AND RECOVER UP  
11 TO 40 PERCENT OF ALL THE POTENTIAL RECYCLABLES THAT ARE  
12 IN OUR NORMAL WASTE STREAM.

13 ALSO, IN THE LAST YEAR OUR SOLID WASTE  
14 BUDGET HAS GONE FROM ZERO DOLLARS PER YEAR TO \$300,000 A  
15 YEAR, WHICH WE HAVE BEEN PERFORMING STUDIES TO KEEP PACE  
16 WITH REPLACING LANDFILLS, CLOSING ONES THAT ARE  
17 INADEQUATE, AND REPLACING THEM WITH TRANSFER STATIONS AND  
18 HAVING ONE CENTRAL LANDFILL.

19 GIVEN ALL OF THESE CHANGES, WE CONCUR WITH  
20 THE STAFF REPORT, THAT WE ARE IN NEED OF A REVISION TO  
21 OUR COSWMP, AND WE CONCUR. AND IF THERE ARE ANY  
22 QUESTIONS, I'D BE GLAD TO ENTERTAIN THEM AT THIS TIME.

23 CHAIRMAN GALLAGHER: ANY QUESTIONS OF THE BOARD?

24 BOARD MEMBER MOSCONE: I HAVE A QUESTION, BUT IT  
25 DOESN'T HAVE TO DO WITH ANYTHING ABOUT THE PLAN.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*



1                   SEEING SONORA BROUGHT A PAIN TO MY LEG  
2 WHERE I CAME OUT OF THE SONORA HOSPITAL, WOUND UP IN THE  
3 SAN FRANCISCO HOSPITAL WITH A PLATE IN MY LEG, THANKS TO  
4 TOBOGGANING.

5                   WHERE EXACTLY -- AND I CAN'T FIND IT, MY  
6 EYES BEING -- IS DODGE RIDGE OUT OF SONORA?

7                   MR. PERKINS: WHERE IS DODGE RIDGE, ARE YOU  
8 ASKING? IT'S 30 MILES JUST EAST OF SONORA UP THE --

9                   BOARD MEMBER MOSCONE: JUST EAST. WELL, I WAS  
10 LOOKING FOR IT ON THIS MAP IN OUR PACKET AND I DIDN'T  
11 FIND IT. IT BRINGS BACK SUCH FOND MEMORIES.

12                  CHAIRMAN GALLAGHER: YOU'VE NEVER BEEN BACK?

13                  BOARD MEMBER MOSCONE: NO, I --

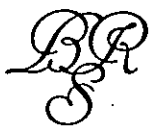
14                  BOARD MEMBER CALLOWAY: YOU MEAN YOU DIDN'T SUE  
15 THE COUNTY FOR BREAKING YOUR LEG?

16                  MR. PERKINS: THE STATUTE OF LIMITATION HAS RUN  
17 OUT, I BELIEVE, ON THAT ONE.

18                  BOARD MEMBER MOSCONE: I BELIEVE SO.

19                  CHAIRMAN GALLAGHER: MS. BREMBERG.

20                  BOARD MEMBER BREMBERG: I WOULD JUST LIKE TO SAY  
21 THAT IT'S VERY REFRESHING TO FIND A COUNTY THAT IS, A,  
22 WILLING TO AND ENCOURAGING A REVISION OF A PLAN, AND A  
23 COUNTY THAT IS ONE STEP AHEAD OF SOMEBODY BY ANTICIPATING  
24 ALL THESE THINGS, GOING FOR IT, APPROPRIATING THE MONEY,  
25 LEVYING FEES, AND BEING REALLY ON TOP OF THE ISSUE. AND



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES   ORANGE COUNTY   SAN DIEGO  
213-622-8511   714-953-4447   619-455-1997

*barristers'*  
*reporting service*

1 I THINK IT'S PROBABLY DUE TO YOU AND SOME VERY CLEAR  
2 THINKING SUPERVISORS. AND I, FOR ONE, AM ABSOLUTELY  
3 DELIGHTED BECAUSE WE GET SO MANY FEEBLE-MINDED EXCUSES UP  
4 HERE THAT ARE TOTALLY FALLACIOUS; BUT TO FIND SOMEBODY  
5 WHO WANTS TO GO FOR IT AND DO IT RIGHT, I WANT TO  
6 COMPLIMENT YOU.

7 BOARD MEMBER BEAUTROW: MOVE 89-3.

8 BOARD MEMBER BREMBERG: SECOND.

9 CHAIRMAN GALLAGHER: WE'VE HAD A MOTION. IT'S  
10 BEEN MOVED AND WE HAVE A SECOND. ALL THOSE IN FAVOR?  
11 OPPOSED? CARRIED AND SO ORDERED.

12 MR. PERKINS: THANK YOU FOR YOUR COMMENTS.

13 BOARD MEMBER CALLOWAY: THAT WILL NOT GET YOU AN  
14 ADDITIONAL RAISE.

15 CHAIRMAN GALLAGHER: IT IS AN APPROPRIATE TIME  
16 TO RECESS FOR LUNCH. WE WILL RECONVENE AT QUARTER AFTER  
17 ONE.

18  
19 (A BREAK WAS TAKEN.)  
20  
21  
22  
23  
24  
25

///



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

REPORTER'S CERTIFICATE

I, BETH C. DRAIN HEREBY CERTIFY THAT ON THE  
26TH OF JANUARY, 1989, I DID REPORT IN  
SHORTHAND THE TESTIMONY AND PROCEEDINGS OF THE FOREGOING  
HEARING;

THAT AT THE CONCLUSION OF THE ABOVE ENTITLED MATTER, I  
DID TRANSCRIBE MY SHORTHAND NOTES INTO TYPEWRITING, AND THAT  
THE FOREGOING TRANSCRIPT IS A TRUE AND CORRECT RECORD OF MY  
SHORTHAND NOTES THEREOF.

Beth C. Drain

CERTIFIED SHORTHAND REPORTER

CERTIFICATE NUMBER 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701  
TELEPHONE (714) 953-4447

*Barristers'*  
*reporting service*



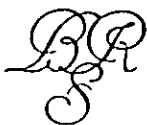
## APPEARANCES

MR. JOHN E. GALLAGHER, CHAIRMAN  
MR. JOHN C. MOSCONE  
MR. SAM ARAKALIAN  
MR. PHILLIP BEAUTROW  
MRS. GINGER BREMBERG  
MR. E. L. VARNER (NOT PRESENT)  
MR. LES BROWN  
MR. JAMES W. CALLOWAY

## STAFF PRESENT

MR. GEORGE T. EOWAN, CHIEF EXECUTIVE OFFICER  
MR. HERBERT IWAHRO, CHIEF DEPUTY EXECUTIVE OFFICER  
MR. ALAN OLDALL, DEPUTY EXECUTIVE OFFICER  
MS. JOELLEN JACKSON, DIRECTOR OF LEGISLATION  
AND PUBLIC AFFAIRS  
MR. ROBERT F. CONHEIM, GENERAL COUNSEL

MR. BILL ORR  
MS. CAREN TRGOVCICH  
MR. FINCH  
MR. DAVE VOLDEN  
MS. KIM SCHWAB  
MR. STEVEN AULT  
MR. DON DIER  
MR. CY ARMSTRONG  
MR. JESS ADAMS  
MR. BERNIE VLACH  
MS. SHARON ANDERSON  
MR. JOHN BELL  
MR. PAUL FORSBERG  
MR. JOHN SMITH



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

## I N D E X

	<u>PAGE</u> <u>NO.</u>
CALL TO ORDER	4
ITEM NO. 1: DISCUSSION OF DRAFT REGULATIONS	
MR. IWAHIRO	5, 84
MR. ORR	7, 28, 38, 70
MS. TRGOVCICH	24, 89
MR. FINCH	31, 62, 72
MR. VOLDEN	36, 84, 90
MS. SCHWAB	41, 63
MR. EDGAR, KERN COUNTY	54, 95
QUESTION AND COMMENTS:	
MS. BREMBERG	10, 30, 33, 37, 41, 43, 53, 61, 65, 68, 86
MR. BEAUTROW	11, 15, 50, 65 81, 92
MR. MOSCONE	12, 18, 30, 36, 47, 58, 75, 94
MR. BROWN	22, 77
CHAIRMAN GALLAGHER	22, 27, 38
MR. ARAKALIAN	25
MR. CALLOWAY	49, 94
ITEM NO. 2: CONSIDERATION OF APPROVAL OF AN AMENDMENT TO THE ORANGE COUNTY SOLID WASTE MANAGEMENT PLAN.	
MR. OLDALL	96
MR. AULT	96
BOARD ACTION	99

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701LOS ANGELES   ORANGE COUNTY   SAN DIEGO  
213-622-8511   714-953-4447   619-455-1997
*barristers'*  
*reporting service*

ITEM 8: CONSIDERATION OF DETERMINATION OF  
CONFORMANCE AND CONCURRENCE IN A SOLID WASTE FACILITIES  
PERMIT FOR THE CITY OF NEWPORT BEACH TRANSFER STATION,  
ORANGE COUNTY.

MR. OLDALL	99
MR. DIER	99, 104
MR. AULT	100
MR. NIEDERHAUS	105

QUESTIONS AND COMMENTS:

MR. BEAUTROW	102
--------------	-----

BOARD ACTION	106
--------------	-----

ITEM NO. 4: CONSIDERATION OF ACCEPTANCE OF THE  
LAKE COUNTY SOLID WASTE MANAGEMENT PLAN REVIEW REPORT.

MR. OLDALL	106
MR. ARMSTRONG	106
MR. JERRY SHAUL	110

QUESTIONS AND COMMENTS:

MR. MOSCONE	109
-------------	-----

BOARD ACTION	111
--------------	-----

ITEM NO. 5: CONSIDERATION OF ACCEPTANCE OF THE TUOLUMNE  
COUNTY SOLID WASTE MANAGEMENT PLAN REVIEW REPORT.

MR. OLDALL	111
MR. ARMSTRONG	111
MR. KEN PERKINS	115

QUESTIONS AND COMMENTS:

MR. MOSCONE	116
MS. BREMBERG	117

BOARD ACTION	118
--------------	-----

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

*barristers'*  
*reporting service*

ITEM NO. 7: CONSIDERATION OF CONCURRENCE IN  
ISSUANCE OF A MODIFIED SOLID WASTE FACILITIES PERMIT FOR  
NEWBY ISLAND LANDFILL, SANTA CLARA COUNTY.

MR. OLDALL	118
MR. IWAHIRO	119, 128
MR. ADAMS	119
MR. GRAVAGE	126

QUESTIONS AND COMMENTS:

MR. ARAKALIAN	121, 125
MR. BEAUTROW	123, 129

BOARD ACTION	131
--------------	-----

ITEM NO. 17: CONSIDERATION OF REVISION OF SOLID  
WASTE FACILITIES PERMIT FOR GUERNEVILLE SOLID WASTE  
DISPOSAL SITE, SONOMA COUNTY.

MR. IWAHIRO	131
-------------	-----

QUESTIONS AND COMMENTS:

MS. BREMBERG	132, 136
MR. CALLOWAY	133, 136
MR. MOSCONE	136

ITEM NO. 18: CONSIDERATION OF APPROVAL OF  
GUIDANCE DOCUMENTS AND FORMS PERMITTING AND ENGINEERING  
REVIEW PROCESS.

MR. IWAHIRO	137
MR. VLACH	138
MS. ANDERSON	147, 153
MR. DIER	151
MR. SAMANIEGO	158

QUESTIONS AND COMMENTS:

MR. BEAUTROW	145, 155
MR. MOSCONE	149, 155, 157, 159

BOARD ACTION	160
--------------	-----



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

*Barristers'*  
*reporting service*



ITEM NO. 19: CONSIDERATION OF WAIVING DAILY  
COVER REQUIREMENTS AT THE WEST CONTRA COSTA LANDFILL,  
CONTRA COSTA COUNTY, FOR THE PURPOSE OF TESTING AN  
EXPERIMENTAL PROCESS UTILIZING AUTO SHREDDER FLUFF.

MR. IWAHIRO	160
MR. BELL	161, 167
MR. FORSBERG	164
MR. BURCH	171, 201
MR. MADDEN	180
MR. BLAKE	190
MS. LEVINE	195

QUESTIONS AND COMMENTS:

MS. BREMBERG	169, 193, 195
MR. BEAUTROW	170, 191, 202
MR. MOSCONE	172, 205
MR. ARAKALIAN	176, 185, 187, 200
MR. BROWN	186, 192
MR. CALLOWAY	188, 197, 202

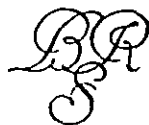
BOARD ACTION 207

ITEM NO. 6: STATUS OF COUNTY SOLID WASTE  
MANAGEMENT PLANS.

MR. OLDALL	208
MR. SMITH	208
MR. CONHEIM	210
MAYOR PARENT	212
MR. STUART	218
SUPERVISOR FADDEN	222

QUESTIONS AND COMMENTS:

MR. BROWN	217, 221
CLOSED SESSION	228
REPORTER'S CERTIFICATE	229



BETH C. DRAIN, CSR 7152  
1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701  
LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

1 AFTERNOON SESSION, JANUARY 26, 1989

2  
3 CALIFORNIA WASTE MANAGEMENT BOARD

4  
5 CHAIRMAN GALLAGHER: BRING THE MEETING OF THE  
6 CALIFORNIA WASTE MANAGEMENT BOARD BACK TO ORDER, PLEASE.

7 WE ARE GOING TO MOVE TO ITEM NO. 7,  
8 SKIPPING NO. 6 FOR THE MOMENT. ITEM 7.

9 MR. OLDALL: YES, MR. CHAIRMAN, THIS WILL BE  
10 FOUND UNDER TAB 8, AS MS. BREMBERG JUST POINTED OUT,  
11 COMMENCING WITH PAGE 176.

12 MR. IWAHIRO: THAT'S NOT TRUE WITH ALL OF THEM,  
13 I UNDERSTAND, BUT --

14 BOARD MEMBER ARAKALIAN: THIS IS AS POPULAR  
15 REFERRED TO DURING WW II AS A SNAFU.

16 MR. IWAHIRO: AGENDA ITEM NO. 7 IS WITH RESPECT  
17 TO THE NEWBY ISLAND LANDFILL PERMIT. BASICALLY, IT'S A  
18 MODIFICATION OF THE PERMIT TO CONFORM SOME OF THE  
19 LANGUAGE IN THERE TO LANGUAGE THAT WE CURRENTLY PREFER.  
20 AND SO I'LL HAND IT OVER TO JESS AND BERNIE REGARDING  
21 THIS PERMIT.

22 MR. ADAMS: GOOD AFTERNOON, MR. CHAIRMAN, MY  
23 NAME, FOR THE RECORD, IS JESS ADAMS. I'M IN THE PERMIT  
24 SECTION.

25 I THINK WHAT I BETTER DO IS READ THROUGH

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 THE BACKGROUND ON THIS ITEM.

2 THE NEWBY ISLAND LANDFILL RECEIVED ITS  
3 CURRENT PERMIT IN FEBRUARY OF '86 AFTER COMPLETION OF A  
4 FIVE-YEAR PERMIT REVIEW. THE PERMIT INCLUDES A PERMITTED  
5 CAPACITY OF ANNUAL AVERAGE OF 4,000 COMPACTED IN-PLACE  
6 CUBIC YARDS PER DAY. BECAUSE OF THE LENGTH OF TIME  
7 REQUIRED TO DETERMINE THE IN-PLACE VOLUMES AND TONNAGES,  
8 CURRENTLY TIED TO THE ANNUAL PHOTOGRAMMETRIC FLYOVER, AS  
9 SPECIFIED IN THE CURRENT PERMIT, AND THE COMPLICATED  
10 METHOD OF CALCULATING IN-PLACE DENSITIES AND VOLUMES, THE  
11 OPERATOR HAS REQUESTED A MODIFICATION OF THE PERMIT TO  
12 REFLECT CORRESPONDING DAILY TONNAGE FIGURES WHICH ARE  
13 MORE READILY ENFORCEABLE.

14 THE NORTH COUNTY CITIES OF MOUNTAIN VIEW,  
15 LOS ALTOS, AND LOS ALTOS HILLS HAVE ALSO MADE  
16 ARRANGEMENTS WITH THE NEWBY ISLAND LANDFILL TO RECEIVE  
17 ALL OF THEIR REFUSE. THESE CITIES HAVE ELECTED TO  
18 REDIRECT THEIR WASTE STREAMS TO NEWBY ISLAND BECAUSE OF  
19 THE CONTINUING PROBLEMS AT THE MOUNTAIN VIEW LANDFILL.  
20 THIS ADDITIONAL WASTE IS WITHIN THE DAILY WASTE LIMIT OF  
21 THE MODIFIED PERMIT AT NEWBY ISLAND.

22 AFTER EXTENSIVE DISCUSSIONS BETWEEN THE  
23 OPERATOR, THE CITY OF SAN JOSE, AND BOARD STAFF, IT WAS  
24 AGREED THAT AN EQUIVALENT PERMITTED CAPACITY ON A MASS  
25 BASIS IS 3260 TONS PER OPERATING DAY. THIS IS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO  
213-622-8511 714-953-4447 619-455-1997



*Harristers*  
*reporting service*

1 REPRESENTED AS AN AVERAGE DAILY LIMIT ON AN ANNUALLY  
2 AVERAGED BASIS. DURING ANY SINGLE OPERATING DAY, THE  
3 FACILITY CANNOT RECEIVE MORE THAN 4,000 TONS. IN ORDER  
4 TO ENFORCE THE MODIFIED PERMIT, ALL WASTE, EXCEPT SMALL  
5 LOADS OF LESS THAN FOUR CUBIC YARDS, WILL BE WEIGHED AND  
6 RECORDED.

7 BOARD STAFF HAS CONDUCTED ITS THIRD  
8 COMPLIANCE PROGRAM INSPECTION OF THE LANDFILL ON JANUARY  
9 5TH THROUGH THE 7TH OF 1988 AND FOUND THE FACILITY WAS IN  
10 COMPLIANCE WITH ALL OF THE STATE MINIMUM STANDARDS BUT  
11 ONE, AND CORRECTION OF THAT OUTSTANDING DISCREPANCY WAS  
12 COMPLETED AS REQUIRED BY OCTOBER 1, '88.

13 BOARD MEMBER ARAKALIAN: MAY I ASK A QUESTION,  
14 MR. CHAIRMAN?

15 CHAIRMAN GALLAGHER: YES, MR. ARAKALIAN.

16 BOARD MEMBER ARAKALIAN: WHO WOULD HAVE EVER IN  
17 THE BEGINNING PICKED SUCH A COMPLEX WAY OF MEASURING  
18 THEIR VOLUME WITH THAT 4,000 COMPACTED IN-PLACE CUBIC  
19 YARDS? WHY WOULD THEY HAVE DONE IT THAT WAY IN THE FIRST  
20 PLACE?

21 MR. VLACH: MR. ARAKALIAN, I BELIEVE WHEN THE  
22 PERMIT WAS LAST REVISED IN 1986, THE FACILITY WAS NOT  
23 EQUIPPED WITH THE SCALE TO MEASURE THE WASTE BEING  
24 RECEIVED. AND THEY ELECTED -- THE CITY AGREED AND THE  
25 LEA AGREED TO USE A PHOTOGRAMMETRIC METHOD FOR

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 DETERMINING IN-PLACE TONNAGE, AND THEY'VE DONE THESE  
2 ANNUAL FLYOVERS, AND IT'S TURNED OUT TO BE A BIT OF A  
3 COMPLICATED PROCESS BECAUSE OF THE SETTLEMENT OF THE  
4 LANDFILL AND ALL THAT.

5 SO I THINK IN RETROSPECT, THEY FEEL IT  
6 WASN'T A GOOD IDEA AND NOW WISH TO MOVE FORWARD TO A MORE  
7 QUANTITATIVE WAY OF DETERMINING THE WASTE ENTERING THE  
8 LANDFILL.

9 CHAIRMAN GALLAGHER: ANYTHING ELSE?

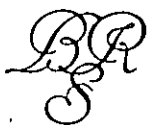
10 MR. ADAMS: SHALL I CONTINUE?

11 CHAIRMAN GALLAGHER: GO AHEAD.

12 MR. ADAMS: BECAUSE A MODIFIED SOLID WASTE  
13 FACILITIES PERMIT IS BEING PROPOSED, THE BOARD MUST  
14 EITHER OBJECT TO OR CONCUR WITH THE PROPOSED PERMIT AS  
15 SUBMITTED BY THE LEA. SINCE THIS PERMIT WAS RECEIVED ON  
16 JANUARY 9, 1989, THE LAST DAY THE BOARD COULD ACT IS  
17 FEBRUARY 18, 1989.

18 ALONG WITH THE REQUIREMENT FOR AN  
19 APPLICATION IS A REQUIREMENT FOR AN APPROPRIATE REPORT OF  
20 FACILITY INFORMATION, WHICH, SINCE THE NEWBY ISLAND  
21 LANDFILL WAS GRANDFATHERED, EXISTS AS A FIVE-YEAR  
22 ENGINEERING REPORT REVIEW CONDUCTED BY PURCELL, RHOADES &  
23 ASSOCIATES IN 1985.

24 IN ADDITION, THE OPERATOR SUBMITTED A  
25 REPORT ENTITLED "DETERMINATION OF ANNUAL IN-PLACE WASTE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701.

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*

1 VOLUME AND ANNUAL GATE TONNAGE," WHICH IS THE BASIS FOR  
2 CONVERSION OF IN-PLACE VOLUME TO TONNAGE.

3 WHEN THE APPLICATION IS DEEMED COMPLETE BY  
4 THE LEA, A COPY OF THE APPLICATION AND SUPPORTING  
5 DOCUMENTS ARE TRANSMITTED TO THE BOARD, AND STAFF HAS  
6 REVIEWED THESE DOCUMENTS AND FIND THEM TO BE  
7 SATISFACTORY.

8 WITHIN 75 DAYS OF ACCEPTING AN APPLICATION,  
9 THE LEA IS TO SUBMIT A PROPOSED PERMIT TO THE BOARD. THE  
10 LEA HAS COMPLIED WITH THIS REQUIREMENT AND HAS ALSO MADE  
11 THE FOLLOWING TWO FINDINGS AS REQUIRED: CONSISTENCY WITH  
12 THE COSWMP AND CONSISTENCY WITH BOARD STANDARDS.

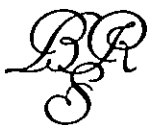
13 STAFF HAS REVIEWED THE PROPOSED PERMIT AND  
14 SUPPORTING DOCUMENTATION AND FIND THE FORM AND CONTENT OF  
15 THE PERMIT TO BE ACCEPTABLE. STAFF RECOMMENDS THAT THE  
16 BOARD ADOPT SOLID WASTE FACILITIES PERMIT DECISION NO.  
17 89-7, CONCURRING IN THE ISSUANCE OF SOLID WASTE  
18 FACILITIES PERMIT NO. 43-AN-0003.

19 NOW, IF THERE ARE ANY QUESTIONS, WE HAVE  
20 MR. DAVE GAVRAGE FROM BFI AND MR. DOUG BARLOW FROM THE  
21 CITY OF SAN JOSE IN THE AUDIENCE.

22 BOARD MEMBER BEAUTROW: I HAVE A COUPLE OF  
23 QUESTIONS.

24 CHAIRMAN GALLAGHER: YES, MR. BEAUTROW.

25 BOARD MEMBER BEAUTROW: FIRST OF ALL, THE CHANGE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

1 FROM 4,000 COMPACTED IN-PLACE CUBIC YARDS PER DAY TO  
2 4,000 TONS PER DAY IS PRETTY SIGNIFICANT. I DON'T KNOW  
3 IF ANYBODY PICKED THAT UP OR NOT, BUT IT'S LIKE TWICE AS  
4 MUCH.

5 AND, SECONDLY, DOES THIS HAVE ANYTHING AT  
6 ALL TO DO WITH THE RECYCLERY CONCEPT THAT WE'VE HEARD  
7 ABOUT MANY TIMES? IS THIS ASSOCIATED WITH THIS AT ALL,  
8 OR IS THAT A SEPARATE ISSUE?


9 MR. VLACH: THIS IS -- NO. MR. BEAUTROW,  
10 THIS -- THE PROCESS THAT WAS USED TO DETERMINE CONVERSION  
11 BETWEEN IN-PLACE CUBIC YARDS AND THE MASS FIGURE HAS  
12 NOTHING TO DO WITH THE RECYCLERY WHATSOEVER. IT'S A  
13 SEPARATE ISSUE. AND YOUR QUESTION IS A GOOD ONE  
14 CONCERNING -- AND THE STAFF DID SPEND SEVERAL WEEKS AND  
15 REQUESTED ADDITIONAL INFORMATION FROM BFI OVER A PERIOD  
16 OF MORE THAN TWO MONTHS TO FEEL COMFORTABLE THAT THIS  
17 CONVERSION WAS DONE PROPERLY.

18 AND AT FIRST IT MIGHT SEEM TO BE AN  
19 INORDINATE DENSITY FIGURE, BUT THE OPERATOR DID PROVIDE  
20 US WITH ENGINEERING REPORTS FROM PURCELL, RHOADES. THEY  
21 DID SOME SCIENTIFIC STUDIES AT THE SITE AND PROVIDED  
22 THOSE TO OUR BOARD SHOWING THAT -- BECAUSE THEIR PERMIT  
23 HAD BEEN WRITTEN IN TERMS OF IN-PLACE CUBIC YARDS AFTER A  
24 PERIOD OF A YEAR, THAT BASED ON THE SETTLEMENTS THAT HAD  
25 TAKEN PLACE OVER THAT YEAR, THAT THOSE DENSITIES ARE, IN

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1 FACT, REASONABLE TO THE STAFF AND SUPPORTABLE BY THEIR  
2 ENGINEERING ANALYSIS.

3 BOARD MEMBER ARAKALIAN: UNLESS I'M MISTAKEN,  
4 PHIL, ISN'T IT BACKWARDS? A COMPACTED YARD SHOULD BE  
5 MORE THAN A TON A YARD, SHOULDN'T IT?

6 BOARD MEMBER BEAUTROW: NO. BUT I'M JUST SAYING  
7 THAT THERE'S A WORLD OF DIFFERENCE BETWEEN THE TWO. AND  
8 AS LONG AS WE UNDERSTAND IT, I WOULD SAY THEY MUST HAVE  
9 BEEN ERRONEOUS WHEN THEY GOT THEIR FIRST PERMIT FOR 4,000  
10 CUBIC YARDS PER DAY, AND NOW THEY'RE CHANGING IT TO 4,000  
11 TONS. IT'S USUALLY, IN EFFECT, TWO CUBIC YARDS PER TON.

12 MR. VLACH: IT'S NOT A MATTER OF A TYPOGRAPHICAL  
13 ERROR OR ANYTHING LIKE THAT. IT'S FAIRLY RIGOROUSLY --  
14 BEEN RIGOROUSLY ANALYSED BASED ON THE PHOTOGRAMMETRIC  
15 ANALYSIS AND THE IN-SITU STUDIES -- TO USE THAT TERM  
16 AGAIN -- AND THE STAFF IS FAIRLY COMFORTABLE WITH THE  
17 FIGURE.

18 BOARD MEMBER ARAKALIAN: BUT THAT'S LIKE  
19 DOUBLING THEIR CAPACITY.

20 MR. VLACH: NO, IT DOESN'T DOUBLE ANYTHING.  
21 IT'S A STRAIGHT ACROSS -- JUST CHANGING FROM VOLUME TO  
22 MASS.

23 BOARD MEMBER ARAKALIAN: OH, NO. ABSOLUTELY YOU  
24 ARE WRONG. IT'S DOUBLING THE CAPACITY. TRY YOUR  
25 ARITHMETIC. HOW MANY YARDS TO A -- HOW MANY TONS TO A



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*



1 YARD?

2 MR. VLACH: WELL, IT DEPENDS ON WHAT KIND OF  
3 YARD YOU ARE TALKING ABOUT, WHETHER IT'S --

4 BOARD MEMBER ARAKALIAN: NORMAL YARDAGE OF  
5 NORMAL TRASH.

6 MR. VLACH: WELL, IT CAN VARY FROM 600 TO 1800,  
7 I SUPPOSE.

8 BOARD MEMBER ARAKALIAN: THAT WOULD MAKE IT  
9 LIGHT, 600 TO 1800?

10 MR. VLACH: IT WOULD DEPEND ON WHAT THE  
11 COMPOSITION OF THE WASTE WAS.

12 BOARD MEMBER ARAKALIAN: 600 TO 18, IS THAT WHAT  
13 YOU'RE SAYING?

14 MR. VLACH: THOSE ARE APPROXIMATE FIGURES THAT  
15 WE'VE SEEN.

16 BOARD MEMBER ARAKALIAN: OKAY. SO TAKE AN  
17 AVERAGE OF THAT, SAY, BETWEEN 6 AND 18 IS WHAT?

18 MR. VLACH: 1200, LETS SAY.

19 BOARD MEMBER ARAKALIAN: OKAY. 1200 POUNDS, IS  
20 THAT RIGHT?

21 MR. VLACH: 1200 POUNDS PER CUBIC YARD.

22 BOARD MEMBER ARAKALIAN: OKAY. TAKE 4,000 CUBIC  
23 YARDS AND MULTIPLY IT BY 1200, AND THEN DIVIDE IT BY  
24 2,000 AND SEE WHAT KIND OF A NUMBER YOU GET.

25 MR. VLACH: I CAN'T DO THAT IN MY HEAD. I'M



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 SORRY. WE ACTUALLY USED THE --

2 BOARD MEMBER ARAKALIAN: IN ORDER TO BE 4,000 BY  
3 4,000, IT WOULD HAVE TO BE A TON A YARD TO BE CONSTANT.  
4 YOU ARE APPROXIMATELY IN THE MIDDLE. JUST USE A ROUGH  
5 NUMBER. SAY, 1200 POUNDS IS APPROXIMATELY HALF A TON.  
6 OKAY. THAT'S FOR USING YOUR HEAD WITHOUT A CALCULATOR.  
7 ADD A HALF A TON PER YARD, 4,000 YARDS -- I MEAN 4,000  
8 TONS WOULD BECOME 8,000 YARDS.

9 SO HOW ARE YOU SAYING IT'S EQUAL? I DON'T  
10 GIVE A DARN IF THEY WANT MORE, BUT --

11 MR. GAVRAGE: CAN I HELP YOU? I'M DAVID  
12 GAVRAGE. I'M DIRECTOR OF RESOURCE RECOVERY AND RECYCLING  
13 FOR BFI.

14 THE PERMIT IS NOT FOR 4,000 TONS TO 4,000  
15 YARDS. IT'S NOT 2,000 POUNDS PER CUBIC YARD, WHICH THAT  
16 WOULD CONVERT TO. THE PERMIT SAYS 3260 TONS A DAY, NOT  
17 4,000 TONS A DAY. 4,000 TONS A DAY IS JUST A DAILY CAP  
18 AT WHICH THE BOARD CAN COME IN AND CUT US OFF.

19 BOARD MEMBER ARAKALIAN: DOES IT AVERAGE OUT TO  
20 3260?

21 MR. GAVRAGE: 3260, WHICH COMES TO -- THE  
22 EQUIVALENT OF THAT IS 1620 POUNDS PER CUBIC YARD. SO  
23 THAT'S THE COMPARISON, NOT TO MAKE IT BETWEEN -- IT'S NOT  
24 2,000 POUNDS A CUBIC YARD THAT WE'RE GETTING THERE, AND  
25 THAT'S NOT WHAT THE PERMIT SAYS. THE PERMIT SAYS 1620 OR

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 1630 POUNDS PER CUBIC YARD.

2 AND THE REASON FOR THAT IS THE DENSITIES AT  
3 NEWBY ISLAND THAT WE HAVE FOUND BY CUTTING INTO THE  
4 LANDFILL HAVE BEEN VERY HIGH. WE'VE DONE -- IT'S AN OLD  
5 LANDFILL. AND THE OLDER YOUR LANDFILL IS, THE DENSER  
6 YOUR COMPACTION THAT YOU ARE GOING TO GET. BUT IT'S NOT  
7 2,000 POUNDS A CUBIC YARD BY ANY MEANS, AND THAT'S NOT  
8 WHAT THE PERMIT SAYS.

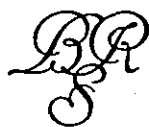
9 BOARD MEMBER ARAKALIAN: NOT THAT IT MATTERS. I  
10 DON'T CARE IF IT'S MORE. THAT'S ACADEMIC. I'M JUST  
11 NIT-PICKING WITH YOUR ARITHMETIC.

12 MR. IWAHIRO: LET ME ADD ONE MORE THING ON THAT  
13 IS THAT THE CITY OF SAN JOSE WAS ALSO CONCERNED ABOUT  
14 THESE FIGURES, AND SO THEY ALSO HIRED A CONSULTANT, WHO,  
15 WITH US AND WITH BFI, THE THREE OF US BASICALLY AGREED ON  
16 THIS FIGURE, ALL OF THE ENGINEER-TYPES ANYWAY.

17 CHAIRMAN GALLAGHER: MR. GAVRAGE, DO YOU HAVE  
18 ANYTHING ELSE YOU'D LIKE TO ADD?

19 MR. GAVRAGE: SURE. APPRECIATE IT, MR. CHAIRMAN  
20 AND MEMBERS OF THE BOARD.

21 THE TWO SIGNIFICANT THINGS ABOUT THIS  
22 PERMIT MODIFICATION, IN OUR MIND, AS WELL AS, I THINK, IN  
23 THE BOARD STAFF'S MIND, IS, ONE, IT GIVES A MORE  
24 ENFORCEABLE PERMIT FOR THE LANDFILL. THE 4,000 IN-PLACE  
25 CUBIC YARDS WAS VERY UNWIELDY FOR US AS WELL. AND SO I



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 THINK THIS GIVES BOTH PARTIES A CLEAR DEFINITION OF  
2 WHAT'S EXPECTED.

3 THE OTHER THING IS THIS PERMIT MODIFICATION  
4 CLEARS THE WAY FOR SEVERAL NORTH COUNTY CITIES TO SOLVE  
5 WHAT HAS BEEN A LONG-STANDING CONCERN OF THEIRS, AND  
6 THAT'S LONG-TERM DISPOSAL. IT ALLOWS US TO SIGN  
7 CONTRACTS WITH SEVERAL OF THESE SANTA CLARA, SILICON  
8 VALLEY CITIES AND SOLVE THEIR LONG-TERM DISPOSAL  
9 PROBLEMS. AT THE SAME TIME IT CLEARS THE WAY FOR US TO  
10 COMMIT FUNDS FOR THE RECYCLERY, WHICH WE HAVE BEEN  
11 HOLDING BACK IN ANTICIPATION OF THESE CONTRACTS FROM THE  
12 NORTH COUNTY CITIES.

13 SO I THINK IT HAS BEEN A LONG PROCESS OF  
14 WORKING OUT THE NUMBERS WITH THE STAFF OF THE CITY OF SAN  
15 JOSE, AND I THINK THE STAFF SHOULD BE COMPLIMENTED FOR  
16 JUST VERY, VERY EXTREME PROFESSIONALISM. IT WAS -- AT  
17 TIMES, IT WAS SOMEWHAT FRUSTRATING FOR ALL OF US BECAUSE  
18 IT'S TOUGH TO GET A HANDLE ON SOME OF THESE NUMBERS. BUT  
19 IN THE END, I THINK WE HAVE A RESOLUTION THAT BENEFITS  
20 EVERYBODY.

21 WE LOOK FORWARD TO THE BOARD'S  
22 PARTICIPATION IN THE RECYCLERY, WHICH WE THINK IS GOING  
23 GOING TO BE A MODEL FACILITY. TWO WEEKS AGO, BILL  
24 RUCKELSHOUSE (PHONETIC), WHO IS OUR NEW CHAIRMAN OF THE  
25 BOARD, CAME OUT TO SAN JOSE. AND I SPENT ABOUT TWO HOURS

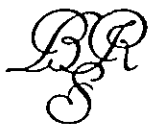
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 WITH HIM TALKING ABOUT THE PROJECT. AND I WOULD HOPE  
2 WHEN GROUNDBREAKING OCCURS, GOD WILLING, IN APRIL OR MAY,  
3 THAT MEMBERS OF BOARD WILL BE THERE TO HELP US KICK OFF  
4 THAT PROJECT.

5 CHAIRMAN GALLAGHER: ANY QUESTIONS OF MR.  
6 GAVRAGE?

7 BOARD MEMBER BEAUTROW: I HAVE ONE LAST COMMENT  
8 ON THIS ISSUE. I SURE WOULDN'T WANT TO GET OUT INTO THE  
9 SOLID WASTE INDUSTRY AND FIND OUT THAT ALL OF A SUDDEN  
10 SOMEBODY IS GETTING 16- OR 1800 POUNDS PER CUBIC YARD  
11 COMPACTION.

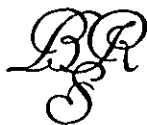
12 WHAT WE'RE TALKING ABOUT HERE IS WHEN YOU  
13 TAKE THE REFUSE AND PUT IT IN A LANDFILL AND WHAT YOU CAN  
14 COMPACT IT IN PLACE, NOT WHAT IT IS TEN YEARS LATER. AND  
15 I THINK THE ACCEPTABLE FIGURE IS SOMEWHERE AROUND 1200  
16 POUNDS PER CUBIC YARD. SO I KNOW THIS IS AN EXERCISE IN  
17 NUMBERS HERE, BUT I JUST WANT TO SET THE RECORD STRAIGHT  
18 ABOUT WHAT I BELIEVE IS THE TRUE THING.

19 AND YOU DON'T -- WHEN YOU ARE TAKING  
20 RUBBISH INTO THE LANDFILL, YOU ARE TALKING ABOUT THE  
21 INPUT RATE, AND IT'S NOT SOMETHING THAT'S COMPACTED IN  
22 PLACE OVER A LONG PERIOD OF TIME. THAT'S NOT WHAT YOU  
23 ARE GETTING, BUT WHAT YOU ARE COMPACTING. SO IT'S  
24 SOMEWHERE AROUND, I THINK, 1200 IS WHAT THE INDUSTRY  
25 USES. ENOUGH SAID.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*Barristers'*  
*reporting service*

1 CHAIRMAN GALLAGHER: JOHN, DO YOU HAVE A  
2 QUESTION?

3 BOARD MEMBER MOSCONE: NO, MR. CHAIRMAN. MR.  
4 GAVRAGE ANSWERED WHAT -- MADE THE STATEMENT THAT I WAS  
5 GOING TO MAKE.

6 CHAIRMAN GALLAGHER: ANYTHING ELSE?

7 MR. VLACH: THE STAFF'S RECOMMENDATION IS THAT  
8 THE BOARD ADOPT PERMIT DECISION NO. 89-7 AND CONCUR IN  
9 THE ISSUANCE OF SOLID WASTE FACILITIES PERMIT NO.  
10 43-AN-0003.

11 CHAIRMAN GALLAGHER: YOU'VE HEARD THE PROPOSAL  
12 BY STAFF. WE HAVE A MOTION?

13 BOARD MEMBER MOSCONE: SO MOVED.

14 BOARD MEMBER BREMBERG: SECOND.

15 CHAIRMAN GALLAGHER: IT'S BEEN MOVED AND  
16 SECONDED THAT WE MOVE RESOLUTION 89-7, APPROVE THE  
17 PERMIT. ALL THOSE IN FAVOR? OPPOSED? CARRIED AND SO  
18 ORDERED. THANK YOU, MR. GAVRAGE. THANK YOU, STAFF.

19 WE ARE NOW GOING TO MOVE TO ITEM NO. 17.

20 BOARD MEMBER BREMBERG: WHAT NUMBER IS THAT  
21 UNDER? I DON'T HAVE A 17.

22 BOARD MEMBER MOSCONE: I DON'T HAVE A 17.

23 MR. IWAHIRO: MR. CHAIRMAN, NO. 17, AS YOU KNOW,  
24 IS NOT IN THE PACKET. THIS IS A SITUATION WHERE I MIGHT  
25 JUST TAKE A MINUTE REALLY TO EXPLAIN.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 I THINK THE BOARD SHOULD BE AWARE OF WHY  
2 THAT ITEM IS NOT THERE. THIS WAS A PERMIT APPLICATION  
3 THAT WE HAD RECEIVED ON AROUND DECEMBER 5TH FROM THE  
4 SONOMA COUNTY LEA. AND WE TOLD THEM AT THAT TIME THAT  
5 THIS DIDN'T LOOK LIKE A PERMIT THAT SHOULD BE ACTED ON BY  
6 THE BOARD BECAUSE OF INCREASES IN TONNAGE AND BECAUSE OF  
7 CEQA AND A FEW OTHER THINGS.

8 IN OUR NORMAL PROCEDURE IN SITUATIONS LIKE  
9 THIS IS TO ASK THE LEA TO TAKE IT BACK AND FIX IT UP AND  
10 NOT START THE 40-DAY CLOCK.

11 UNFORTUNATELY, THE LEA REFUSED ON THIS  
12 PARTICULAR SITUATION. WE WORKED WITH THEM AS LONG AS WE  
13 COULD, AND THAT'S WHY WE PUT IT ON THE AGENDA. BUT UNTIL  
14 THE LAST MINUTE, HE SAID HE WAS NOT GOING TO TAKE IT  
15 BACK, THAT HE WANTED THE CLOCK TO RUN OUT, AND TO MAKE IT  
16 A PERMIT IN THAT FASHION.

17 WE OF STAFF DID NOT AND DO NOT BELIEVE THAT  
18 THE PERMIT IS A GOOD PERMIT. IT BOOSTED THE LANDFILL  
19 FROM A SMALL LANDFILL TO A LARGE LANDFILL, INCREASED THE  
20 TONNAGE FROM 40 TO 160 TONS. IT DID NOT GO THROUGH CEQA.  
21 AND SO WE FEEL THAT WE'VE TRIED ALL WE COULD TO GET THE  
22 LEA TO ACT IN WHAT WE FEEL IS A RESPONSIBLE WAY.

23 AND, AGAIN, FROM STAFF'S PERSPECTIVE, THEY  
24 DID NOT TAKE THE PERMIT BACK AND DO IT IN A PROPER  
25 FASHION. SO 40 DAYS IS NOW UP, AND TECHNICALLY I WOULD

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*BCD*

*barristers'*  
*reporting service*

1       ASSUME THAT THEY HAVE A PERMIT. ANYHOW, THAT'S WHY IT'S  
2       NOT ON AND WHY WE CAN'T ACT ON IT.

3               BOARD MEMBER BREMBERG: MR. CHAIRMAN.

4               CHAIRMAN GALLAGHER: MS. BREMBERG.

5               BOARD MEMBER BREMBERG: I MUST ASSUME THAT IT  
6       WAS DELIBERATE, THEIR TIMING, KNOWING FULL WELL WHEN THE  
7       BOARD MEETINGS WERE. AND I WOULD WONDER IF THEY DON'T  
8       SEEM TO REALIZE WE HAVE LONG MEMORIES; AND THAT WHEN THEY  
9       COME AROUND AGAIN, OR IF THEY COME FOR ANYTHING OR  
10      THERE'S ANY VIOLATION, THEY HAVE -- THEY'VE SET THE  
11      PATTERN, AND WE'LL FALL RIGHT INTO IT AND PLAY JUST AS  
12      MUCH HARDBALL AS THEY CAN. I THINK THAT'S QUITE  
13      REPREHENSIBLE OF THEIR LEA TO DO THAT, AND IT INDICATES  
14      TO ME NOT BEING RESPONSIBLE TO EITHER THEIR CITIZENS OR  
15      THE LAW.

16              AND I SINCERELY HOPE THAT WE MONITOR THEM  
17      VERY CAREFULLY AND THAT EVERY VIOLATION IS CLEARLY NOTED  
18      AND THAT ENFORCEMENT PROCEDURES AGAINST THEM BECAUSE IF  
19      THEY HAVEN'T GONE THROUGH CEQA AND HAD CLARITY, I WOULD  
20      HOPE THAT SOME ENVIRONMENTAL GROUP REALLY GIVE THEM A  
21      KICK IN THE SLATS.

22              BOARD MEMBER CALLOWAY: MR. CHAIRMAN. IS THERE  
23      ANYONE HERE FROM SONOMA?

24              MR. VLACH: NO, SIR.

25              BOARD MEMBER BREMBERG: YOU'VE GOT TO BE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES   ORANGE COUNTY   SAN DIEGO  
213-622-8511   714-953-4447   619-455-1997

*barristers'*  
*reporting service*



1 KIDDING.

2 BOARD MEMBER CALLOWAY: NO, I'M NOT KIDDING. I  
3 MEAN -- YOU KNOW --

4 BOARD MEMBER BREMBERG: THEY GOT WHAT THEY  
5 WANTED. WHY SHOULD THEY COME?

6 BOARD MEMBER CALLOWAY: WELL, I DON'T KNOW.  
7 WHAT HAVE THEY GOT? THEY CAN'T EXPAND THEIR LANDFILL,  
8 CAN THEY?

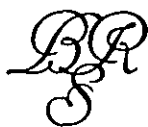
9 BOARD MEMBER BREMBERG: OH, YES.

10 BOARD MEMBER CALLOWAY: EXCUSE ME. I THOUGHT  
11 YOU SAID, HERB, I GUESS MAYBE I HEARD WRONG, BUT I  
12 THOUGHT YOU SAID THEY WERE UP FOR A PERMIT, RIGHT?

13 ATTORNEY CONHEIM: MR. CALLOWAY, MR. CHAIRMAN,  
14 MEMBERS, WHAT HERB WAS EXPLAINING WAS THAT BECAUSE THE  
15 BOARD DID NOT ACT ON THIS PERMIT TO CONCUR OR OBJECT TO  
16 IT WITHIN 40 DAYS AFTER IT WAS SUBMITTED, IT IS DEEMED  
17 UNDER THE LAW AUTOMATICALLY CONCURRED IN.

18 BOARD MEMBER CALLOWAY: WELL, WHY DIDN'T WE ACT  
19 ON IT?

20 ATTORNEY CONHEIM: BECAUSE IT WAS SUBMITTED TOO  
21 SOON BEFORE THE DECEMBER AGENDA. THAT MEETING AGENDA WAS  
22 ALREADY SCHEDULED, AND THE MATTER NEEDED MORE REVIEW. IT  
23 COULDN'T HAVE BEEN HEARD IN DECEMBER, AND THERE WASN'T  
24 ENOUGH TIME TO HEAR IT IN JANUARY BECAUSE THE BOARD  
25 MEETING SCHEDULE IN JANUARY CAUSED THE 40 DAYS TO RUN



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*

1 OUT.

2 BOARD MEMBER CALLOWAY: I UNDERSTAND NOW. I  
3 GUESS ANYBODY COULD DO THIS NOW. I MEAN, IF I WANT A  
4 PERMIT, MAYBE THIS IS THE WAY TO DO IT.

5 ATTORNEY CONHEIM: IT'S NOT AS EASY TO DO WHEN  
6 THE MEETINGS ARE VERY CLOSE TO 30 DAYS APART.

7 BOARD MEMBER BREMBERG: WELL, WHEN CHRISTMAS AND  
8 NEW YEAR'S --

9 MR. EOWAN: MR. CALLOWAY, THIS IS AN ISSUE WE  
10 LIVE WITH EVERY DAY HERE. AND THINK ABOUT ALL THE VOICE  
11 FACILITY PERMITS THAT YOU'VE LOOKED AT OVER THE LAST FEW  
12 YEARS, AND HOW MANY TIMES HAS THIS HAPPENED? AND IT  
13 DOESN'T HAPPEN VERY OFTEN BECAUSE WE HAVE A GOOD  
14 UNDERSTANDING WITH THE LEA'S. BUT THERE IS A LOOPHOLE IN  
15 THE LAW, AND IT'S A 40-DAY LOOPHOLE. AND IF YOU CAN FIND  
16 A WAY TO GET OUT OF IT, AND YOU CHOOSE TO DO THAT, THEN  
17 IT IS DONE. BUT IT TYPICALLY DOESN'T HAPPEN BECAUSE  
18 EVERYBODY TRIES TO WORK TOGETHER.

19 BOARD MEMBER CALLOWAY: BUT -- OKAY. ALL OF  
20 THAT IS A GIVE-IN AND WE UNDERSTAND THAT. MY PROBLEM IS,  
21 I GUESS, THAT I'M HAVING WITH THIS, I HEARD YOU SAY FROM,  
22 WHAT, 60 -- HERB -- FROM 60 TONS?

23 MR. IWAHIRO: I BELIEVE IT WAS FROM 60 -- I  
24 THINK DON DIER HAS THE EXACT FIGURE.

25 BOARD MEMBER CALLOWAY: 60 TONS TO WHAT?



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*Harristers'*  
*reporting service*

1 MR. IWAHRO: I THINK 160.

2 BOARD MEMBER CALLOWAY: TO 160. SO THIS IS  
3 INCREASING A HUNDRED TONS WITHOUT EVEN GETTING A PERMIT.  
4 AND WE WERE -- MR. BEAUTROW WAS VERY UPSET WITH BFI HERE  
5 A MINUTE AGO ABOUT INCREASING THEIR CAPACITY THERE. AND,  
6 I MEAN, THESE PEOPLE INCREASE THEIR CAPACITY WITH EVEN  
7 WITHOUT A PERMIT OR ANYTHING. I MEAN, NOT ONLY INCREASE  
8 IT, THEY TRIPLE IT WITHOUT A PERMIT. BOY. YOU KNOW, I  
9 MEAN -- I MEAN, THIS THING COULD BE ABSOLUTELY AWFUL. I  
10 MEAN A LOT OF PEOPLE COULD TAKE ADVANTAGE OF THIS THING.

11 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

12 CHAIRMAN GALLAGHER: YES, MR. MOSCONE.

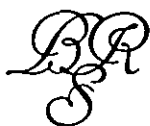
13 BOARD MEMBER MOSCONE: I'M VERY SURPRISED THAT  
14 WE GOT NOTHING IN THE PACKET. AND I PERSONALLY WOULD  
15 LIKE EVEN A ONE-PAGE EXPLANATION OF WHAT HAPPENED,  
16 ESPECIALLY AFTER HEARING THROUGH ALL OF THIS STUFF ON  
17 THESE FOUR, FIVE, OR SIX TRINITY COUNTY THINGS. IT WOULD  
18 SEEM TO ME THAT SHOULD HAVE AT LEAST AN EXPLANATION IN  
19 THE PACKET. NOT TO BE CRITICAL, BUT ONLY FOR -- IF  
20 SOMEBODY SHOULD ASK ME, FOR EXAMPLE, "HEY, I GOT A COPY  
21 OF YOUR AGENDA ITEM. WHAT DID YOU GUYS DO WITH  
22 GUERNEVILLE? DID YOU GIVE WHAT THEY ASKED FOR AND  
23 EVERYTHING?" WHAT AM I GOING TO TELL THEM?

24 MR. EOWAN: POINT WELL TAKEN. WE WILL GIVE YOU  
25 THAT INFORMATION.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barrister's  
reporting service*

1 BOARD MEMBER BREMBERG: MR. CHAIRMAN, AS LONG AS  
2 WE'RE ON THIS, IS THERE ANY POSSIBLE WAY OF CLOSING THE  
3 LOOPHOLE? WELL, WHY DOESN'T OUR FEARLESS LEGAL COUNSEL  
4 WRITE UP A LITTLE AMENDMENT TO THE LAW AND LET'S  
5 INTRODUCE IT. AND WITH THE PROPER EXPLANATION TO THE  
6 LEGISLATURE, I'M QUITE SURE THAT THEY WOULD BE DELIGHTED  
7 TO CLOSE THE LOOPHOLE IN THEIR INFINITE WISDOM.

8 BOARD MEMBER CALLOWAY: I WOULD AGREE WITH MRS.  
9 BREMBERG, YOUR HONOR. THAT'S EXACTLY WHAT I WAS GOING TO  
10 ASK. IS THERE A WAY THAT WE CAN CLOSE THIS LOOPHOLE?  
11 OKAY. THE HORSE IS OUT OF THE BARN, BUT WE CAN LOCK THE  
12 BARN DOOR SO WE DON'T LOSE THE REST OF THE HORSES.

13 MR. EOWAN: OKAY. WE'LL WRITE -- WE'LL WORK ON  
14 THAT AND GIVE YOU SOME OPTIONS NEXT MEETING.

15 CHAIRMAN GALLAGHER: ANYTHING ELSE?

16 MOVE ON TO ITEM 18.

17 MR. IWAHIRO: MR. CHAIRMAN, IN WORKING WITH THE  
18 LEA'S IN REVIEWING PERMITS AND DEVELOPING PERMITS, IN THE  
19 PAST WE HAVE HAD A COUPLE OF GUIDANCE DOCUMENTS AS TO  
20 WHAT CONSTITUTES A PERMIT, WHAT SHOULD GO IN IT, AND HOW  
21 IT SHOULD BE REVIEWED, AND THAT SORT OF THING. AND IN  
22 YOUR PACKET TODAY, STARTING ON PAGE 312, MINE IS UNDER  
23 TAB 18, WE HAVE A SERIES OF GUIDELINES. AND THESE  
24 GUIDELINES PERTAIN TO THE VARIOUS PROCEDURES AND ACTIONS  
25 REGARDING PERMITS.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 WE'VE WORKED WITH THE LEA ADVISORY COUNCIL  
2 REVIEWING THESE. WE OURSELVES HAVE GONE OVER THEM VERY  
3 THOROUGHLY AND TRIED TO MAKE THEM IN LINE WITH THE  
4 REGULATIONS AND INTERPRETATIONS OF THE REGULATIONS AND  
5 LAWS. AND THESE ARE REALLY FOR GUIDANCE OF THE LEA'S AND  
6 OUR OWN STAFF FOR THEIR REVIEW AND THE OPERATORS IN  
7 DEVELOPING THEIR PERMITS.

8 SO WE DO HAVE THESE BEFORE US. BERNIE  
9 VLACH AND SHARON ANDERSON WILL SUMMARIZE EACH ONE OF  
10 THESE DOCUMENTS. AND I BELIEVE A MEMBER OF THE  
11 ENFORCEMENT ADVISORY COUNCIL, STEVE SAMANIEGO, IS HERE  
12 ALSO AND MAY WISH TO MAKE A COMMENT ON IT. BUT FIRST I  
13 THINK WE WOULD LIKE TO SUMMARIZE EACH ONE OF THESE  
14 DOCUMENTS AS TO WHAT'S CONTAINED IN THEM AND WHAT THEY  
15 WOULD DO.

16 MR. VLACH: MR. CHAIRMAN, MEMBERS OF THE BOARD,  
17 THE FIVE GUIDANCE DOCUMENTS THAT YOU HAVE BEFORE YOU ARE  
18 A RESULT OF A STAFF EFFORT THAT GOES BACK AT LEAST SIX  
19 MONTHS AND PROBABLY HAD ITS GENESIS IN THE REVIEW OF OUR  
20 SOLID WASTE INFORMATION SYSTEM AND OUR FACILITY FILES  
21 ALMOST A YEAR AGO, IN WHICH WE FOUND THAT THERE WERE MANY  
22 FACILITIES WHOSE PERMITS NEEDED TO BE REVIEWED, AND THAT  
23 PARTICULAR ACTION HAD NOT OCCURRED IN A TIMELY MANNER.

24 WE PROCEEDED IN MAY TO IMPLEMENT A VIGOROUS  
25 PERMIT REVIEW PROGRAM, AND AS A RESULT OF OUR EFFORTS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



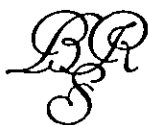
*barristers'*  
*reporting service*

1 FOUND THAT MANY OF THE LEA'S SIMPLY DIDN'T KNOW HOW TO  
2 PROCESS A PERMIT PROPERLY. THEY ASKED US FOR GUIDANCE,  
3 AND THE STAFF BEGAN TO PREPARE THESE PARTICULAR  
4 DOCUMENTS.

5 WE WERE ABLE TO RESURRECT FOUR DOCUMENTS  
6 FROM THE PAST THAT HAD BEEN USED BUT WERE SOMEWHAT DATED,  
7 AND THEY HAD TO DO WITH THE KIND OF INFORMATION THAT  
8 SHOULD BE INCLUDED IN A PERMIT ITSELF, THE DETAILS OF  
9 WHAT SHOULD BE INCLUDED IN A REPORT OF FACILITY  
10 INFORMATION, WHICH WOULD BE THE RDSI OR THE REPORT OF  
11 STATION INFORMATION IN THE SPECIFIC CASE. ALSO, THE  
12 PERIODIC SITE REVIEW, WHICH IS THE ENGINEERING REPORT  
13 THAT SHOULD ACCOMPANY THE APPLICATIONS WHERE THERE'S A  
14 LANDFILL.

15 THERE WAS NO GUIDANCE DOCUMENT IN THE PAST  
16 ABOUT HOW TO ACTUALLY CONDUCT A PERMIT REVIEW, MEANING  
17 THE PROCESS THAT AN LEA SHOULD USE TO LOOK AT AN EXISTING  
18 PERMIT AND THEN DECIDE WHETHER OR NOT IT NEEDED TO BE  
19 UPDATED AND WHAT DETERMINATIONS HE NEEDED TO MAKE AND THE  
20 STEPS THAT HE SHOULD TAKE. SO THAT PARTICULAR GUIDANCE  
21 DOCUMENT WAS NEW.

22 AS HERB MENTIONED, THIS -- THERE WERE  
23 VARIOUS DRAFTS OF THESE DOCUMENTS PREPARED BY THE STAFF  
24 THAT CIRCULATED INTERNALLY WITHIN THE BOARD STAFF AND  
25 THEN CIRCULATED TO THE ENFORCEMENT ADVISORY COUNCIL. AT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

*Barristers'*  
*reporting service*

1 THEIR LAST THREE MEETINGS, THEY REVIEWED AND CONSIDERED  
2 THESE GUIDANCE DOCUMENTS, AND WE'VE BEEN WORKING WITH  
3 THEM CLOSELY AND FEEL THAT WE HAVE SOMETHING THAT'S  
4 SUPPORTABLE BY THE LEA'S.

5 AT THIS TIME I'D LIKE TO -- I DON'T WANT TO  
6 SPEND AS MUCH TIME ON THIS AS -- BECAUSE I THINK THAT  
7 WE'RE NOT PROPOSING ANYTHING NEW. THESE ARE NOT NEW  
8 REGULATIONS. AND I THINK THAT YOU ARE FAIRLY FAMILIAR  
9 WITH THE PROCESS YOURSELF. SO I'M NOT GOING TO SPEND THE  
10 KIND OF TIME THAT YOU WOULD BE -- UNLESS YOU WISH, BUT I  
11 PROPOSE THAT WE NOT SPEND AS MUCH TIME AS YOU DID WITH  
12 THE REGULATIONS EARLIER THIS MORNING. I WOULD SIMPLY  
13 LIKE TO GO THROUGH EACH OF THE DOCUMENTS -- STAFF IS HERE  
14 ALSO TO HELP WITH THAT -- AND HIT THE HIGHLIGHTS AND THEN  
15 MOVE QUICKLY THROUGH IT.

16 NOW, UNLESS THAT ARE QUESTIONS AT THIS  
17 POINT, I'LL JUST PROCEED RIGHT AHEAD.

18 CHAIRMAN GALLAGHER: I THINK THAT'S GOOD,  
19 BERNIE. GO RIGHT AHEAD.

20 MR. VLACH: THE FIRST DOCUMENT IS THE PERMIT  
21 REVIEW, WHICH IS ON PAGE 315 OF YOUR PACKET. THIS WAS  
22 THE NEW GUIDANCE DOCUMENT. NOTHING HAD EXISTED IN THE  
23 PAST ABOUT THIS. AND THIS IS REALLY THE FOCUS OF THE  
24 ENFORCEMENT DIVISION PROGRAM AT THIS TIME, TO GET THESE  
25 PERMITS REVIEWED AND BEING QUITE SUCCESSFUL AT IT.

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 THE IDEA HERE IS TO CLARIFY TO THE  
2 OPERATORS AND THE LEA'S ABOUT THE NEED FOR A PERMIT  
3 REVIEW, ABOUT HOW TO FILE AN APPLICATION TO START THE  
4 PROCESS OFF, AND ESSENTIALLY IT'S THE SAME APPLICATION  
5 THAT THEY'D BE USING FOR ANY OTHER PERMIT MODIFICATION OR  
6 REVISION. SO IN THAT SENSE, IT'S FAIRLY SIMPLE.

7 AND THEN IT TALKS ABOUT ON PAGE 316 WHAT  
8 THE LEA SHOULD LOOK FOR WHEN HE RECEIVES THAT  
9 APPLICATION. SHOULD THERE BE AN RDSI ATTACHED TO IT OR A  
10 SWAT REPORT OR CEQA DOCUMENT. AND SO THIS -- THAT PART  
11 ON PAGE 316 EXPLAINS WHAT A COMPLETE PERMIT REVIEW  
12 APPLICATION SHOULD LIKE.

13 THEN ON PAGE 317 AND 318 IT GETS INTO A  
14 DISCUSSION ABOUT WHAT CRITERIA THE LEA SHOULD USE TO  
15 EVALUATE THE APPLICATION AND THE KIND OF RESULTS THE LEA  
16 SHOULD PRODUCE FROM HIS REVIEW. AND IN THIS CASE, WE'VE  
17 ASKED THE LEA TO PREPARE A PERMIT REVIEW REPORT, WHICH IS  
18 SIMILAR TO OUR STAFF'S COSWMP REVIEW REPORT.  
19 ESSENTIALLY, THE LEA WOULD BE LOOKING AT WHETHER OR NOT  
20 THERE WAS A SIGNIFICANT CHANGE IN DESIGN OR OPERATION OF  
21 THE FACILITY, WHETHER OR NOT THE EXISTING PERMIT NEEDED  
22 TO BE MODIFIED OR REVISED, AND WHETHER OR NOT THERE  
23 SHOULD BE A CEQA REVIEW IN THE PROCESS. AND WE WOULD  
24 LIKE THOSE THREE ITEMS SPECIFICALLY ADDRESSED BY THE LEA  
25 IN HIS PERMIT REVIEW REPORT.

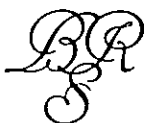
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*



1 IF THE LEA THOUGHT THAT THERE WERE SOME  
2 MODIFICATIONS OR REVISIONS OF THE PERMIT NECESSARY, THE  
3 LEA WOULD MAKE THAT PROPOSAL IN A DRAFT FORM AT THE TIME  
4 OF THE PERMIT REVIEW REPORT SO THAT THE STAFF WOULD HAVE  
5 A CHANCE TO GET EARLY CONSULTATION IN THE MATTER AND  
6 AVOID ANY PROBLEMS, SUCH AS THIS 40-DAY CLOCK BUSINESS  
7 THAT WE JUST RAN INTO TODAY.

8 SO THE PURPOSE OF THAT PERMIT REVIEW REPORT  
9 WOULD BE TO FORMALIZE THE COMPLETION OF THE REVIEW CYCLE  
10 AND TO GIVE THE STAFF A CHANCE TO COMMENT ON THE LEA'S  
11 FINDINGS.

12 AND THEN THE REST OF THE DOCUMENT REALLY  
13 GOES INTO MORE DETAIL ABOUT HOW THE LEA SHOULD MAKE HIS  
14 DETERMINATION OF SIGNIFICANT CHANGE. AND HERE WE'RE NOT  
15 PROPOSING ANYTHING DIFFERENT THAN TO REFER THE LEA BACK  
16 TO SOME PREVIOUS GUIDANCE ON THAT MATTER, WHICH IS THE  
17 BOARD'S REPORT OF THE SOLID WASTE ADVISORY COMMITTEE ON  
18 SIGNIFICANT CHANGE, WHICH WAS DONE SEVERAL YEARS AGO.  
19 AND THERE'S NO INTENTION TO MODIFY THAT POLICY AT ALL BY  
20 THE STAFF. WE FEEL IT'S A GOOD DOCUMENT. AT LEAST IT'S  
21 A WORKABLE DOCUMENT AND EVERYONE IS FAMILIAR WITH IT.

22 AND THEN FOLLOWING UP ON PAGE 319, WE  
23 PROPOSE THAT THERE ARE THREE POSSIBLE OUTCOMES FROM THIS  
24 REVIEW. THE LEA COULD, FOR EXAMPLE, SAY THAT THE  
25 EXISTING PERMIT IS JUST FINE AND DOESN'T NEED TO BE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1 MODIFIED OR REVISED, IN WHICH CASE WE WOULD ASK THAT THE  
2 LEA MAKE THAT FINDING IN HIS PERMIT REVIEW REPORT AND  
3 THEN SUBMIT TO THE BOARD STAFF A COVER SHEET FOR THE  
4 PERMIT THAT WOULD ESSENTIALLY -- WE WOULD BE ABLE TO  
5 STAMP THE NEW DATE ON IT, WHICH WOULD BE THE CURRENT  
6 DATE, AND THAT WOULD BE THE CYCLE DATE FOR THE NEXT  
7 PERMIT REVIEW.

8 THE LEA -- THE SECOND POSSIBLE OUTCOME OF  
9 THE REVIEW WOULD BE THAT THE LEA MIGHT DETERMINE THAT A  
10 PERMIT MODIFICATION WOULD BE NECESSARY, AND THIS WOULD BE  
11 SIMILAR TO WHAT WE SAW WITH THE NEWBY ISLAND PERMIT  
12 TODAY. NO CHANGES IN DESIGN OR OPERATION ARE PROPOSED.  
13 IT'S MERELY A MINISTERIAL KIND OF AN ACTION BEING  
14 PROPOSED, MAYBE THERE'S A CHANGE IN A POST OFFICE BOX OR  
15 A FICTITIOUS BUSINESS NAME OR A SWIS NUMBER MIGHT NEED TO  
16 BE CHANGED, OR MAYBE A CLARIFICATION OF AN EXISTING  
17 CONDITION OF THE PERMIT, SUCH AS SWITCHING FROM VOLUME TO  
18 MASS WITHOUT MAKING ANY ACTUAL CHANGES IN DESIGN OR  
19 OPERATION. THAT, WE WOULD SUGGEST, WOULD BE APPROPRIATE  
20 FOR A PERMIT MODIFICATION.

21 IN THIS CASE, THE BOARD MIGHT WISH TO HEAR  
22 THESE MATTERS, THE PERMIT MODIFICATION, AS THEY'VE DONE  
23 TODAY WITH NEWBY ISLAND, OR THE BOARD MAY ASK THAT THAT  
24 BE AND HAS GIVEN THE EXECUTIVE OFFICER THE AUTHORITY TO  
25 CONSIDER THOSE MINISTERIAL ACTIONS THROUGH A DELEGATED

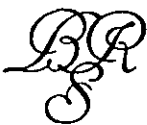
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 AUTHORITY.

2 THEN THE OTHER POSSIBLE OUTCOME IS A PERMIT  
3 REVISION. AND THIS WOULD BE A CASE WHERE THERE WAS A  
4 SUBSTANTIAL CHANGE FOUND BY THE LEA IN THE DESIGN OR  
5 OPERATION OF THE FACILITY.

6 NOW, THIS ONE IS OF PARTICULAR INTEREST  
7 BECAUSE TECHNICALLY, WHEN A LEA REVIEWS A PERMIT, HE  
8 SHOULDN'T FIND ANY SIGNIFICANT CHANGES OUT THERE BECAUSE  
9 THE WAY THE GOVERNMENT CODE READS IF A PERSON PROPOSES TO  
10 MAKE A SIGNIFICANT CHANGE, THEY'RE SUPPOSED TO COME TO  
11 THE LEA 120 DAYS IN ADVANCE OF MAKING THAT CHANGE AND ASK  
12 TO HAVE THEIR PERMIT REVIEWED AND GO THROUGH THE CEQA  
13 PROCESS AND THE REST OF IT.

14 SO WE'RE HOPING THAT WE WON'T FIND A LOT OF  
15 NEED TO DO PERMIT REVISIONS; BUT IF THE LEA DOES FIND  
16 THERE'S BEEN A SIGNIFICANT CHANGE, THE STAFF FEELS THAT  
17 THAT IS, IN ESSENCE, WHAT THE LEA IS SAYING IS THAT THE  
18 OPERATOR IS IN VIOLATION OF HIS PERMIT AT THE CURRENT  
19 TIME BECAUSE THERE IS SOMETHING DIFFERENT IN THERE,  
20 SIGNIFICANTLY DIFFERENT THAN WHAT HE'S PERMITTED TO DO.  
21 AND THE STAFF IS ADVISING THE LEA'S THAT IF THAT'S THE  
22 CASE, THEY SHOULD TAKE SOME ENFORCEMENT ACTION. AND  
23 THAT'S DESCRIBED ON PAGE 320 OF YOUR PACKET.

24 THE PERMIT REVISION IN THE CASE OF A  
25 SIGNIFICANT CHANGE WOULD REQUIRE, ONCE THE LEA -- ONCE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997


*barristers'*  
*reporting service*

1 THE OPERATOR RESOLVES HIS ENFORCEMENT PROBLEM, HE WISHES  
2 TO CONTINUE DOING THOSE THINGS THAT HE WAS DOING  
3 IMPROPERLY, WOULD GO THROUGH A -- THE SAME PROCESS THAT  
4 WOULD BE REQUIRED FOR -- ESSENTIALLY FOR A NEW PERMIT,  
5 WHICH WOULD BE UPDATING HIS RDSI, GOING THROUGH THE  
6 PUBLIC HEARINGS, HAVING A CEQA REVIEW, AND FINALLY A  
7 PERMIT WOULD BE PROPOSED TO THE BOARD. THAT'S INDICATED  
8 ON PAGE 319 AND 320.

9 ON PAGE 321, THE DISCUSSION -- THERE'S A  
10 SMALL DISCUSSION OF HOW THIS PERMIT REVIEW PROCESS IS  
11 LINKED TO THE CLOSURE/POSTCLOSURE PROCESS OF 2448. AND  
12 THERE IS A DIRECT CONNECTION BETWEEN THE TWO AND, IN  
13 FACT, IS ONE OF THE REASONS THE BOARD HAS BEEN WORKING SO  
14 DILIGENTLY TO TRY TO GET THESE PERMIT REVIEWS COMPLETED  
15 BEFORE JULY 1ST, 1990, BECAUSE ANY THAT AREN'T DONE  
16 BEFORE THAT DATE WILL AUTOMATICALLY TRIGGER THAT THE  
17 CLOSURE AND POSTCLOSURE PLANS BE SUBMITTED AT THAT TIME.

18 SO IT WOULD BE IN THE BEST INTERESTS OF THE  
19 OPERATORS TO, IF THEY HAVEN'T HAD THEIR PERMITS REVIEWED,  
20 IF THEY'RE LATE ON GETTING THEM REVIEWED, THEN THEY  
21 SHOULD GET THEM REVIEWED BEFORE JULY 1ST, 1990, OR THEY  
22 WILL WIND UP HAVING TO COMPLETE THEIR CLOSURE PLANS AT  
23 THAT TIME AS WELL, INSTEAD OF HAVING AN ADDITIONAL FIVE  
24 YEARS. SO WE MADE THAT POINT AS WELL FOR THE BENEFIT OF  
25 THE OPERATORS.

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 WE COULD PAUSE BETWEEN THESE; AND IF  
2 THERE'S ANY QUESTIONS ON THAT ONE, I'D BE HAPPY TO  
3 ENTERTAIN THEM. IF NOT, I'D LIKE TO TURN THE NEXT  
4 DOCUMENT -- THE REST OF THE REVIEW OVER TO SHARON  
5 ANDERSON.

6 BOARD MEMBER BEAUTROW: MR. CHAIRMAN, I JUST  
7 WANTED TO ASK A QUESTION OF BERNIE HERE.

8 CHAIRMAN GALLAGHER: MR. BEAUTROW.

9 BOARD MEMBER BEAUTROW: ON NO. 3, PERMIT  
10 REVISION, ON PAGE 320, THE FIRST THING, IF THE LEA  
11 DETERMINES THAT A SIGNIFICANT CHANGE HAS OCCURRED, IT  
12 TRIGGERS ALL OF THIS. GOING BACK AGAIN TO WHAT  
13 CONSTITUTES A SIGNIFICANT CHANGE, ARE WE ABSOLUTELY SURE  
14 THAT THEY UNDERSTAND WHAT THAT IS? I MEAN, IT'S ALL OPEN  
15 TO THIS SUBJECTIVE DETERMINATION, AND WE'VE GOT TO GET  
16 THIS STRAIGHT. AND WE'VE GONE THROUGH THIS I DON'T KNOW  
17 HOW MANY TIMES. WHAT IS A SIGNIFICANT CHANGE? TO SOME,  
18 IT'S NOTHING. TO OTHERS, IT'S SIGNIFICANT. HOW ARE THEY  
19 GOING TO KNOW?

20 MR. VLACH: I THINK -- WE'VE HAD FAIRLY GOOD  
21 SUCCESS WITH THE LEA'S AND THE OPERATORS ON THIS. I  
22 THINK THAT WE USE THE REASONABLE MAN APPROACH AND -- FOR  
23 EXAMPLE, ON THE GUERNEVILLE PERMIT THAT WE JUST TALKED  
24 ABOUT TODAY, I DON'T THINK ANY REASONABLE PERSON WOULD  
25 THINK THAT GOING FROM 40 TO 160 TONS A DAY WOULDN'T BE A

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1       SIGNIFICANT CHANGE.

2                       AND THAT REALLY HAS NOT BEEN A BIG ISSUE  
3       RECENTLY. I THINK OUR PREVIOUS GUIDANCE DOCUMENT HAS  
4       SERVED US WELL IN THAT REGARD, AND I AM NOT AWARE OF ANY  
5       REAL CONTROVERSY ABOUT THAT. THE MAIN AREA OF  
6       CONTROVERSY SEEMS TO BE CIRCLING AROUND WHEN SHOULD CEQA  
7       BE APPLIED AND WHEN NOT, AND THAT REALLY IS --

8                       BOARD MEMBER BEAUTROW: WHETHER OR NOT YOU NEED  
9       AN EIR OR A NEGATIVE DEC OR --

10                      MR. VLACH: YES. AND WHAT CONSTITUTES  
11       SATISFACTION OF A CEQA REVIEW. AND THAT -- I KNOW  
12       SOMETIME THAT GETS CONFUSED WITH THE SIGNIFICANT CHANGE  
13       ISSUE, BUT IT'S REALLY A SEPARATE ISSUE.

14                      BOARD MEMBER BEAUTROW: DO YOU REMEMBER THIS  
15       TRANSFER STATION THAT WE APPROVED IN L.A., WAS IT A MONTH  
16       AGO?

17                      MR. VLACH: YES, SIR.

18                      BOARD MEMBER BEAUTROW: FOUR THOUSAND TON A DAY  
19       TRANSFER STATION WITH A NEGATIVE DEC. I NEVER HEARD OF  
20       ANYTHING LIKE THAT BEFORE OR AFTER. I JUST WANTED TO  
21       POINT OUT THAT THAT'S SIGNIFICANT. SO IF YOU WANT TO DO  
22       SOMETHING ABOUT THE CEQA ISSUE, WE REALLY OUGHT TO LOOK  
23       AT THAT WITH A MICROSCOPE.

24                      MR. VLACH: IF THERE ARE NO OTHER QUESTIONS  
25       THEN, WE WILL PROCEED WITH THE NEXT GUIDANCE DOCUMENT,

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES   ORANGE COUNTY   SAN DIEGO  
213-622-8511   714-953-4447   619-455-1997



*barristers'*  
*reporting service*

1 WHICH IS THE REPORT OF FACILITY INFORMATION. SHARON  
2 ANDERSON.

3 MS. ANDERSON: MR. CHAIRMAN, MEMBERS OF THE  
4 BOARD, I'M SHARON ANDERSON. AND I'M GOING TO BE TALKING  
5 ABOUT THE REST OF THE DOCUMENTS. YOUR LIST OF  
6 ATTACHMENTS STATES THAT THE DOCUMENT NO. 2 IS NEXT, BUT  
7 IT'S NOT, IT'S ACTUALLY NO. 3. AND ALSO I'D LIKE TO  
8 APOLOGIZE FOR THE FACT THAT THE FLOW CHART, ATTACHMENT 6,  
9 IS NOT INCLUDED IN YOUR PACKET. WE HAD A PROBLEM WITH  
10 THE PRINTERS, AND THE FLOW CHART WAS NOT UP TO THE  
11 STANDARD THAT WE WOULD WANT TO INCLUDE IT IN YOUR PACKET.

12 FOR PREPARING A REPORT OF FACILITY  
13 INFORMATION, WE GLEANED A LOT OF INFORMATION FROM THE --  
14 AN OLD DOCUMENT. THIS ONE IS A REVISED PACKET OF  
15 INFORMATION WHICH WILL HELP AN OPERATOR PREPARE A  
16 DESCRIPTIVE STATEMENT OF HIS FACILITY, WHETHER IT BE A  
17 DISPOSAL SITE, A TRANSFER STATION, OR A SMALL VOLUME  
18 TRANSFER STATION. WE HAVE THREE DIFFERENT DOCUMENTS THAT  
19 GO FOR EACH ONE, AND WE'VE LUMPED THEM ALL UNDER ONE  
20 NAME, "REPORT OF FACILITY INFORMATION." BUT IN THIS  
21 GUIDANCE DOCUMENT, EACH ONE IS BROKEN DOWN AND DESCRIBED.

22 I KNOW THAT ALL OF YOU DO KNOW WHAT A  
23 REPORT OF DISPOSAL SITE INFORMATION REPORT OF STATION  
24 INFORMATION AND A PLAN OF OPERATION IS SINCE MANY OF THEM  
25 HAVE COME BEFORE YOU IN THE PAST.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1                   ESSENTIALLY, WHAT THIS WILL DO -- WHAT THIS  
2 GUIDANCE DOCUMENT DOES IS IT GOES THROUGH THE  
3 REQUIREMENTS OF THE SECTIONS THAT DEFINE EACH OF THOSE  
4 REPORT OF FACILITY INFORMATIONS AND GIVES GUIDANCE AS TO  
5 WHAT EXACTLY IS NEEDED UNDER EACH OF THE SUBHEADINGS.

6                   IF YOU LOOK ON -- I DON'T HAVE AN AGENDA --  
7 ON PAGE 325 OF YOUR PACKET, YOU WILL NOTICE THAT THERE'S  
8 A BOLD-FACED SECTION AND THEN THERE'S JUST A REGULAR  
9 TYPED SECTION. THE BOLDFACE IS WHAT IS WRITTEN IN OUR  
10 CODE OF REGULATIONS, AND THEN THE REGULAR TYPED SECTION  
11 IS OUR DESCRIPTIVE STATEMENTS OF WHAT IS ACTUALLY NEEDED.  
12 WE'VE DONE THIS WITH EVERY SECTION.

13                   IF THERE ARE ANY QUESTIONS, PERTINENT  
14 QUESTIONS, ABOUT WHAT WE HAVE REQUIRED FOR REPORT OF  
15 FACILITY INFORMATION, I'D LIKE TO ENTERTAIN THEM.

16                   CHAIRMAN GALLAGHER: ANY QUESTIONS? YES, MR.  
17 MOSCONE.

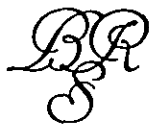
18                   BOARD MEMBER MOSCONE: ON 3(B) ON 325, I THINK  
19 IT'S SOMETHING THAT WE WERE TALKING ABOUT ON THE PREVIOUS  
20 ITEM. IF TONNAGE WAS FIGURED FROM RECORDS OF CUBIC  
21 YARDS, INCLUDE THE CONVERSION FACTOR USED. HAS THIS BEEN  
22 DONE RIGHT ALONG?

23                   I KNOW THAT SOME FACILITIES DO NOT HAVE  
24 SCALES AND ANYTHING, AND PROBABLY IT'S FIGURED BY A  
25 GUESSTIMATE AS TO THE NUMBER OF CUBIC YARDS AND WHATEVER,

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511   ORANGE COUNTY 714-953-4447   SAN DIEGO 619-455-1997



*Barristers'*  
*reporting service*



1 AND CHARGED ACCORDINGLY. SO IS THIS GOING TO BE  
2 MANDATORY? LET'S SAY, THAT THEY TELL US HOW MUCH THEY --  
3 WHAT THEY FIGURE THE WEIGHT OF A CUBIC YARD.

4 MR. VLACH: MR. MOSCONE, EACH OF THESE  
5 CONVERSIONS HAS TO ESSENTIALLY BE LOOKED AT ON A  
6 CASE-BY-CASE BASIS.

7 BOARD MEMBER MOSCONE: WELL, THERE'S A  
8 DIFFERENCE BETWEEN A CUBIC YARD OF FEATHERS AND A CUBIC  
9 YARD OF SWILL.

10 MR. VLACH: ABSOLUTELY. AND THE STAFF REALLY  
11 HAS A PROBLEM WITH THESE GENERIC CONVERSION FACTORS THAT  
12 GET THROWN AROUND BECAUSE THEY DON'T REALLY -- THEY SEEM  
13 TO BE -- THE AVERAGES DON'T SEEM TO FIT SPECIFIC  
14 SITUATIONS VERY WELL. SO WHERE WE'RE DEALING WITH A WOOD  
15 WASTE SITE, THAT MIGHT BE ONE THING. WHEN YOU ARE  
16 DEALING WITH A SITE THAT RECEIVES CONSTRUCTION AND  
17 DEMOLITION WASTE, THAT MIGHT BE SOMETHING COMPLETELY  
18 DIFFERENT.

19 SO WE EXPECT THAT WHEN AN OPERATOR  
20 REPORTS -- PREPARES A REPORT OF DISPOSAL SITE INFORMATION  
21 AND WANTS TO USE VOLUMETRIC FIGURES RATHER THAN MASS  
22 FIGURES, THAT HE WOULD ALSO CONCLUDE A RIGOROUS EMPIRICAL  
23 INFORMATION ABOUT THE KINDS OF WASTE THAT HE'S ACTUALLY  
24 WORKING WITH. HE SHOULD AT LEAST DO SOME EXPERIMENTING  
25 AND WEIGHING OF TRUCKS OF THE ACTUAL WASTE THAT'S GOING



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 INTO THE LANDFILL ON SOME PERIODIC BASIS TO BE ABLE TO  
2 COME UP WITH REASONABLE CONVERSION FACTORS. AND THAT'S  
3 THE KIND OF THING THAT WOULD BE EXPECTED IN THIS REPORT.

4 MS. ANDERSON: ONE OF THE -- JUST TO ADD TO  
5 BERNIE'S STATEMENT, TONNAGE FIGURES ARE REQUIRED TO  
6 FIGURE A COVER FREQUENCY AT A FACILITY. AND SO THAT  
7 WOULD ALSO BE ONE OF THE MAIN REASONS WHY WE WOULD WANT  
8 TO SEE TONNAGE FIGURES BECAUSE IF A FACILITY IS ON A  
9 BORDERLINE, THERE'S NO NEED TO COUNT BEANS.

10 ARE THERE ANY OTHER QUESTIONS ABOUT  
11 DOCUMENTS OF REPORT OF FACILITY INFORMATION?

12 ONE OTHER ITEM THAT WE'VE EMPHASIZED HERE,  
13 AND THAT IS THAT WHEN AN OPERATOR PLANS A SIGNIFICANT  
14 CHANGE, THAT THE REPORT OF FACILITY INFORMATION BE  
15 AMENDED WITHOUT THAT CHANGE IN PLACE, AND THE AMENDMENT  
16 BE REVIEWED BY THE LOCAL ENFORCEMENT AGENCY TO DETERMINE  
17 IF A REVIEW OR REVISION IS NEEDED.

18 MR. VLACH: IF THERE ARE NO QUESTIONS THEN, THE  
19 STAFF WOULD BE -- WOULD LIKE TO MOVE AHEAD QUICKLY TO THE  
20 NEXT GUIDANCE DOCUMENT, WHICH IS THE OUTLINE OF  
21 INFORMATION TO BE CONTAINED IN A SOLID WASTE FACILITIES  
22 PERMIT.

23 AND HERE THE STAFF HAS TRIED TO BE -- TO  
24 INDICATE THOSE THINGS THAT ARE REQUIRED BY LAW AND ALSO  
25 OVER TIME THE BOARD HAS ASKED THAT CERTAIN THINGS BE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 INCLUDED IN SOLID WASTE FACILITIES PERMITS, AND THAT'S  
2 WHAT IS INDICATED HERE.

3 MR. DIER: WHAT STAFF -- AS BERNIE INDICATED,  
4 WHAT STAFF IS TRYING TO DO HERE IS PULL TOGETHER ITEMS  
5 THAT HAVE COME ABOUT BY EITHER LAW OR BOARD POLICY. I  
6 THINK WHAT YOU WILL FIND IS THE CLEAR IDENTIFICATION  
7 HERE, WHICH I THINK HAS BEEN LACKING FOR A NUMBER OF  
8 YEARS, DIRECTION TO LEA'S AND OPERATORS AS TO WHAT OUR  
9 STANDARD IS, WHAT WE'RE LOOKING FOR IN PERMITS.

10 STAFF IS HOPEFUL THAT BY GIVING THIS  
11 DIRECTIONS FOR THE PERMITS, WE WILL AVOID A LOT OF THE  
12 INTERACTION, THE COMMENTS, THE ARGUMENTS IN SOME CASES  
13 BETWEEN STAFF AND LEA'S IN WRITING THESE PERMITS.

14 I THINK AS YOU GO DOWN THE LIST OF ITEMS,  
15 YOU WILL FIND SOME THAT THE BOARD HAS SHOWN A STRONG  
16 INTEREST IN SEEING IN THE PERMITS IN THE PAST.  
17 SPECIFICALLY IN THE SPECIFICATIONS SECTION, YOU WILL FIND  
18 A PERMITTED DAILY CAPACITY REQUIREMENT. AND I WOULD LIKE  
19 TO REPORT THAT STAFF HAS BEEN QUITE SUCCESSFUL IN GETTING  
20 THIS TYPE OF INFORMATION INTO THE PERMITS.

21 WE HAVE INCLUDED FOR LANDFILLS INFORMATION  
22 FOR THE CLOSURE AND POSTCLOSURE REQUIREMENTS. IN THE  
23 NEAR TERM AND THEN ALSO THE MAINTENANCE REQUIREMENTS FOR  
24 IN THE FUTURE. AND WE'VE PUT TOGETHER A FAIRLY  
25 COMPREHENSIVE SELF-MONITORING SECTION FOR THE PERMITS TO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*Barristers'*  
*reporting service*

1 PROVIDE INFORMATION TO THE LEA'S AND THE BOARD STAFF,  
2 UPON THEIR REQUEST, INFORMATION NECESSARY TO TRACK WHAT'S  
3 GOING ON AT THE FACILITIES AND TO, YOU KNOW, MORE  
4 COMPLETELY KEEP OUR SOLID WASTE INFORMATION SYSTEM  
5 UPDATED.

6 HAPPY TO ANSWER ANY QUESTIONS ANYONE MIGHT  
7 HAVE ON THE PERMIT.

8 CHAIRMAN GALLAGHER: ANY QUESTIONS OF MR. DIER?  
9 GO AHEAD THEN.

10 MR. VLACH: THEN THE NEXT GUIDANCE DOCUMENT IS  
11 THE PERIODIC SITE REVIEW, AND SHARON ANDERSON WILL GIVE  
12 THE BOARD THE STAFF'S RECOMMENDATION ON THIS. PAGE 349.

13 MS. ANDERSON: THE PERIODIC SITE REVIEW HAS A  
14 VERY SIMILAR NOMEER TO THE PERMIT REVIEW ALTHOUGH IT'S  
15 ENTIRELY DIFFERENT. THE PERIODIC SITE REVIEW IS A REVIEW  
16 DONE BY AN ENGINEER AT A FACILITY, A REGISTERED  
17 ENGINEER -- A REGISTERED CIVIL ENGINEER FOR A LANDFILL  
18 ONLY. TRANSFER STATIONS ARE EXEMPT FROM THIS  
19 REQUIREMENT.

20 AND IT'S -- THE REVIEW OFTEN -- THE  
21 ENGINEERING REVIEW OFTEN DRIVES EVERYTHING ELSE THAT  
22 HAPPENS; AND, OF COURSE, THIS REVIEW SHOULD BE DONE EVERY  
23 FIVE YEARS OR AS DEEMED NECESSARY BY A LOCAL ENFORCEMENT  
24 AGENCY OR IF THERE ARE INCREDIBLE CHANGES AT A FACILITY.

25 THE PURPOSE OF THIS DOCUMENT ORIGINALLY



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 ALMOST MIMICKED THE REQUIREMENTS OF THE REPORT OF  
2 DISPOSAL SITE INFORMATION. AND THROUGH THE EAC AND  
3 THROUGH OTHER OPERATORS TALKING TO US, WE'VE COME UP WITH  
4 AN ENTIRELY DIFFERENT FORMAT FOR AN ENGINEER TO FOLLOW TO  
5 REVIEW A FACILITY, WHERE THEY WOULD BE TAKING INTO  
6 CONSIDERATION ALL OF THE ASPECTS TO PROTECT THE PUBLIC  
7 SAFETY, HEALTH, AND ENVIRONMENT.

8 AND IT'S A VERY SHORT DOCUMENT; BUT SHOULD  
9 AN ENGINEER FOLLOW THIS, THEY WILL COME UP WITH SUCCINCT  
10 RECOMMENDATIONS AND CONCLUSIONS THAT WILL DETERMINE  
11 WHETHER OR NOT THINGS HAVE CHANGED AT A FACILITY. IF  
12 THEY HAVE, WHAT NEEDS TO BE DONE. AND I BELIEVE THAT IT  
13 WILL ALSO BE VERY BENEFICIAL TO THE LOCAL ENFORCEMENT  
14 AGENCY IN DETERMINING IF THE CHANGES WOULD REQUIRE A  
15 PERMIT REVISION OR MODIFICATION OR ANYTHING LIKE THAT.

16 ARE THERE ANY QUESTIONS ABOUT AN  
17 ENGINEERING REVIEW OR THE DOCUMENT, THE GUIDANCE DOCUMENT  
18 FOR THE ENGINEERING REVIEW?

19 CHAIRMAN GALLAGHER: ANY QUESTIONS OF THE BOARD?

20 MR. VLACH: IF NONE, THEN THE STAFF WOULD ASK  
21 THAT THE BOARD, FOR THE LAST CONSIDERATION FOR THIS ITEM,  
22 WOULD LOOK AT PAGE 353 AND 354, WHICH -- WHEREBY THE  
23 STAFF IS ASKING THE BOARD TO APPROVE A REVISION TO THE  
24 SOLID WASTE FACILITIES APPLICATION FORM.

25 AND JUST AS A BRIEF HISTORY, SOME OF YOU



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

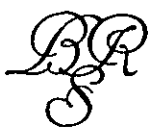
1 MAY REALIZE THAT THIS FORM LOOKS A LOT LIKE THE FORM THAT  
2 WE ORIGINALLY USED BACK IN 1977. THEN MAYBE FIVE YEARS  
3 AGO WE WORKED WITH SEVERAL OTHER STATE AGENCIES AND  
4 DEVELOPED WHAT WAS SUPPOSED TO BE A FORM USED BY SEVERAL  
5 DIFFERENT STATE DEPARTMENTS TO MEET ALL OF THEIR  
6 REQUIREMENTS. IT WAS A FORM DESIGNED BY A COMMITTEE  
7 ESSENTIALLY.

8 RECENTLY, WE FOUND OUT THAT NONE OF THE  
9 OTHER AGENCIES WERE USING THAT FORM ANY LONGER, AND WE  
10 DIDN'T REALLY LIKE IT TO BEGIN WITH BECAUSE IT WAS A TWO-  
11 OR THREE-PAGE FORM, AND SOMEBODY WOULD ALWAYS FORGET TO  
12 PHOTOCOPY THE BACK SIDE AND WE NEVER HAD THE SIGNATURE  
13 BLOCKS. SO SINCE WE'VE DISCUSSED THIS WITH THE OTHER  
14 AGENCIES, INCLUDING THE DEPARTMENT OF HEALTH AND THE  
15 REGIONAL BOARDS, AND THEY HAVE NO PROBLEM WITH US -- WITH  
16 THE REVISION THAT WE'RE PROPOSING.

17 WE FEEL THAT IT'S MORE SUCCINCT. THE  
18 INSTRUCTION, WHICH YOU SEE ON THE FOLLOWING PAGE, WOULD  
19 BE ON THE BACK SIDE OF THIS; AND IF IT DOESN'T GET COPIED  
20 WELL, THERE ISN'T THAT MUCH LOST. BUT WE WOULD -- THE  
21 STAFF AND THE LEA ADVISORY COUNCIL HAS REVIEWED IT AND  
22 FEELS THAT IT'S MUCH OF AN IMPROVEMENT. AND I'D BE HAPPY  
23 TO ANSWER ANY QUESTIONS ABOUT IT.

24 CHAIRMAN GALLAGHER: MR. MOSCONE.

25 BOARD MEMBER MOSCONE: DO YOU HAVE TO GET



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 APPROVAL FROM OAL ON THIS?

2 MR. VLACH: I DON'T BELIEVE SO, SIR.

3 CHAIRMAN GALLAGHER: MR. BEAUTROW.

4 BOARD MEMBER BEAUTROW: AS I RECALL, THE WATER  
5 BOARD, WHEN YOU MAKE AN APPLICATION FOR A WASTE DISCHARGE  
6 PERMIT, THE FEE, I THINK, IN THE LOS ANGELES AREA IS LIKE  
7 \$10,000. ARE THERE ANY FEES ASSOCIATED WITH THIS  
8 PARTICULAR APPLICATION FORM?

9 MR. VLACH: MR. BEAUTROW, I BELIEVE THE  
10 GOVERNMENT CODE RESTRICTS THE APPLICATION FEE TO \$500.  
11 AND THE STAFF IS NOT PROPOSING ANY CHANGES IN REGULATIONS  
12 OR IN GOVERNMENT CODE WITH THESE GUIDANCE DOCUMENTS,  
13 MERELY A RE-PRESENTATION OF THE FORMAT.

14 BOARD MEMBER BEAUTROW: IT'S NOT THAT I'M AN  
15 ADVOCATE OF ANY FEE OR INCREASED FEES. I JUST WANTED TO  
16 MAKE SURE THAT IT'S NOT IN THE REALM OF WHAT THE WATER  
17 BOARD CHARGES FOR A WASTE DISCHARGE PERMIT.

18 MR. VLACH: NO, SIR. I BELIEVE THE LIMIT IS THE  
19 SAME AS IT'S BEEN SINCE THE INCEPTION, \$500.

20 BOARD MEMBER BEAUTROW: OKAY. AND AS A GENERAL  
21 QUESTION, A YEAR AGO WE FOUND THAT 80 PERCENT OF THE  
22 PEOPLE HAD NOT BROUGHT THE PERMITS UP-TO-DATE AND THEY  
23 WERE ALL DELINQUENT. BUT YOU HAVEN'T SAID ANYTHING SO  
24 FAR AS TO WHAT THE SUCCESS RATE IS, AND HOW CAN WE KEEP  
25 THIS FROM GETTING OUT OF HAND AGAIN? WE HAVE A WHOLE NEW

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 SET OF GUIDANCE DOCUMENTS THAT ARE GOING TO TAKE SOME  
2 TIME TO GET INTO PLACE, AND I WOULD JUST LIKE TO HAVE  
3 SOME ASSURANCES THAT WE DO THE SAME THING WE DO WITH THE  
4 COSWMPS; AND, THAT IS, KEEP A TIGHT REIN ON THIS THING SO  
5 IT DOESN'T REFLECT SO POORLY.

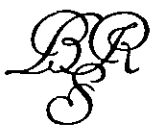
6 MR. VLACH: I'M NOT PREPARED TO GIVE YOU A  
7 QUANTITATIVE ANSWER AT THIS MEETING, BUT WE CAN  
8 CERTAINLY, IF YOU WISH, GET THAT INFORMATION FOR YOU ON A  
9 REGULAR BASIS. I CAN SAY THIS, THOUGH, THERE'S BEEN A  
10 TREMENDOUS RESPONSE FROM THE OPERATORS AND LEA'S, AND I  
11 THINK YOU WILL SEE THAT INDIRECTLY IN THE SIZE OF THE  
12 AGENDA PACKAGES AND THE NUMBER OF PERMIT ISSUES THAT WILL  
13 BE COMING BEFORE YOU. WE CAN GET YOU THE QUANTITATIVE  
14 INFORMATION.

15 BOARD MEMBER BEAUTROW: WELL, I CERTAINLY WOULD  
16 APPRECIATE IT. I DON'T KNOW THAT YOU NEED TO DO IT EVERY  
17 MONTH, LIKE YOU DO WITH THE COSWMPS, BUT THERE OUGHT TO  
18 BE MAYBE EVERY QUARTER OR SOMETHING SOME REPORTING  
19 MECHANISM SO WE KNOW HOW THIS THING IS WORKING.

20 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

21 CHAIRMAN GALLAGHER: YES, MR. MOSCONE.

22 BOARD MEMBER MOSCONE: WHEN THAT QUESTION CAME  
23 UP, I GUESS I WAS THINKING ABOUT THE LINES THAT PHIL WAS  
24 THINKING ABOUT. AND I WAS JUST WONDERING IF SOME OF THIS  
25 HAPPENED OR HOW MANY MIGHT HAVE HAPPENED TO SITES THAT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Harristers*  
*reporting service*



1 WERE GRANDFATHERED, THEIR NOT COMING IN WITH -- ASKING  
2 FOR NEW PERMITS OR BRINGING THEM UP-TO-DATE. I WAS  
3 JUST --

4 MR. VLACH: I WOULD JUST -- MY INTUITIVE FEELING  
5 IS THAT THE MAJORITY OF THEM ARE IN THAT CATEGORY.

6 CHAIRMAN GALLAGHER: ANYTHING ELSE, BERNIE?

7 MR. VLACH: THE STAFF -- THE STAFF  
8 RECOMMENDATION WOULD BE THAT THE BOARD ACCEPT THESE  
9 DOCUMENTS FOR DISTRIBUTION TO THE LOCAL ENFORCEMENT  
10 AGENCIES AND TO THE LANDFILL AND TRANSFER STATION  
11 OPERATORS IN THE STATE SO THAT THEY CAN CONSISTENTLY MAKE  
12 THEIR APPLICATIONS FOR PERMIT REVIEW AND PREPARE THE  
13 NECESSARY SUPPORTING DOCUMENTS FOR THAT PERMIT REVIEW.

14 AND WE DO HAVE MR. STEVE SAMANIEGO, WHO IS  
15 REPRESENTING THE LOCAL ENFORCEMENT AGENCY ADVISORY  
16 COUNCIL, HERE TO GIVE THE BOARD THAT COUNCIL'S  
17 RECOMMENDATION. MR. SAMANIEGO.

18 MR. SAMANIEGO: MR. CHAIRMAN, BOARD MEMBERS, I'M  
19 STEVE SAMANIEGO, ENFORCEMENT ADVISORY COUNCIL. AND I'D  
20 LIKE TO THANK THE BOARD STAFF FOR -- WE'VE BEEN -- THE  
21 AGENCY HAS BEEN LONG AWAITING THESE DOCUMENTS, AND WE'VE  
22 BEEN WORKING REAL CLOSELY WITH THEM. AND WE WOULD LIKE  
23 TO RECOMMEND OUR SUPPORT FOR ISSUANCE OF THE GUIDELINE  
24 DOCUMENTS WITH THE FACT THAT THOSE DOCUMENTS WILL BE  
25 FLEXIBLE AND WILL BE CHANGED AS NECESSARY AT THE

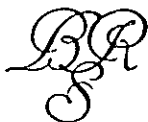
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 EXECUTIVE LEVEL. AND THAT'S ALL.

2 CHAIRMAN GALLAGHER: HAVE ANY QUESTIONS OF MR.  
3 SAMANIEGO? MR. BEAUTROW.

4 BOARD MEMBER BEAUTROW: WELL, I WAS JUST GOING  
5 TO MOVE THAT WE ACCEPT THE RECOMMENDATION OF THE STAFF  
6 AND PROCEED WITH THIS.

7 IS THERE ANY DUE DATE -- I MEAN TARGET DATE  
8 THAT THESE TAKE EFFECT, OR DO THEY TAKE EFFECT  
9 IMMEDIATELY, OR WHAT?

10 MR. VLACH: WELL, MR. BEAUTROW, SINCE WE'RE NOT  
11 PROPOSING ANY CHANGES IN REGULATION OR LAW, THERE -- WE  
12 CAN DISTRIBUTE THESE AS SOON AS WE'RE CAPABLE TO PRINT  
13 THEM AND GET THE MAILINGS IN ORDER. AND WE STILL HAVE --  
14 THE APPLICATION FORM NEEDS TO BE SENT BACK TO THE PRINTER  
15 ONE MORE TIME TO GET THE FINAL SLICK COPY. SO I WOULD  
16 SAY THAT WITHIN 30 DAYS WE COULD HAVE THE DISTRIBUTION  
17 MADE.

18 BOARD MEMBER BEAUTROW: OKAY. WELL, MY MOTION  
19 WAS TO ACCEPT THE STAFF REPORT AND PROCEED.

20 BOARD MEMBER BREMBERG: SECOND.

21 CHAIRMAN GALLAGHER: I'VE GOT A MOTION ON THE  
22 FLOOR WITH THE SECOND. MR. MOSCONE WANTED A QUESTION  
23 BEFORE WE CALL FOR THE VOTE.

24 BOARD MEMBER MOSCONE: THE STATEMENT THAT THIS  
25 GENTLEMAN MADE KIND OF -- I THINK WHAT HE SAID WAS TO GO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*

1 ALONG WITH THIS. BUT IF YOU EVER COME ALONG WITH ANY  
2 CHANGES, WE MAKE THE CHANGES. WELL, IF YOU ARE GOING TO  
3 GO OUT AND HAVE A HUNDRED THOUSAND OF THESE FORMS PRINTED  
4 AND THEN NEXT WEEK THEY'RE NO GOOD, YOU WANT TO MAKE SOME  
5 CHANGES, THEN YOU GOT TO THROW THAT STUFF IN THE WHITE  
6 PAPER RECYCLING BIN.

7 MR. VLACH: MR. MOSCONE, I THINK THAT WE WOULD  
8 CERTAINLY HAVE TO LOOK AT THESE GUIDANCE DOCUMENTS AGAIN  
9 AT THE TIME THAT THE REGULATIONS ARE BEING CONSIDERED FOR  
10 REVISION BY THIS BOARD. AT THAT TIME, WE NEED TO TAKE A  
11 SERIOUS LOOK AT WHAT WE'VE GOT HERE AND MAKE SURE THAT  
12 IT'S NOT INCONSISTENT WITH THE NEW REGULATIONS. THAT  
13 WOULD BE ONE TIME IN THE NOT TOO DISTANT FUTURE WHEN WE  
14 WILL HAVE TO LOOK AT THESE AGAIN.

15 I THINK WHAT -- I WAS AT THE ENFORCEMENT  
16 ADVISORY COUNCIL THIS MORNING WHEN THEY WERE MAKING THEIR  
17 RECOMMENDATION, AND I THINK THAT THEIR IDEA WAS THAT THE  
18 BOARD AND THE STAFF WOULD BE FLEXIBLE ENOUGH SO THAT IF  
19 THERE WAS A -- ONE OF THE GUIDANCE AREAS HERE PROVED TO  
20 BE UNSOUND, THAT WE WOULD BE ABLE TO IDENTIFY THAT AND  
21 QUICKLY MAKE THE CHANGE IN IT SO THAT IT DIDN'T BECOME  
22 ESSENTIALLY AN UNDERGROUND REGULATION. AND THE STAFF  
23 FEELS VERY SUPPORTIVE OF THAT IDEA AND WOULD -- IN NO WAY  
24 INTENDS TO PROPOSE ANY UNDERGROUND REGULATIONS HERE.

25 CHAIRMAN GALLAGHER: ALL RIGHT, JOHN?

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 BOARD MEMBER MOSCONE: THANKS.

2 CHAIRMAN GALLAGHER: WE HAVE A MOTION THAT WE  
3 ACCEPT AND APPROVE THE COMPLETION, DEVELOPMENT, AND  
4 DISSEMINATION OF THESE GUIDANCE DOCUMENTS. ALL THOSE IN  
5 FAVOR? OPPOSED? THANK YOU. IT'S CARRIED; SO ORDERED.

6 MOVE TO ITEM NO. 19 ON THE AGENDA.

7 MR. IWAHIRO: YES, MR. CHAIRMAN, ITEM 19 IS  
8 UNDER TAB 19. THIS IS AN ITEM WHERE WE ARE -- WE HAVEN'T  
9 DONE VERY OFTEN FOR QUITE SOME TIME, I BELIEVE. THIS IS  
10 TO CONSIDER WAIVING THE DAILY COVER REQUIREMENT AT A  
11 LANDFILL. INSTEAD OF SOIL, WOULD LIKE TO TRY TO USE  
12 SOMETHING ELSE. AND THIS IS TO TEST A PARTICULAR  
13 MATERIAL TO SEE IF IT DOES A JOB THAT SOIL WOULD DO.

14 UNDER THE REGULATIONS, WE HAVE REQUIREMENTS  
15 THAT DAILY COVER BE 6 INCHES OF COMPACTED SUITABLE SOIL,  
16 AND THERE ARE SOME INSTANCES WHERE OTHER MATERIAL OTHER  
17 THAN SOIL WOULD BE SUITABLE.

18 AND SO WHAT WE'RE LOOKING AT IS SOME AUTO  
19 BODY SHREDDER WASTE TO BE TESTED OUT AT THE RICHMOND  
20 SANITARY LANDFILL, ACTUALLY CALLED THE WEST CONTRA COSTA  
21 LANDFILL, I GUESS, TECHNICALLY. SO WE'D LIKE TO EXPLAIN  
22 THIS A LITTLE BIT, AND THE PEOPLE THAT ARE IN FAVOR OF  
23 IT, OF COURSE, THE PROPONENTS, ARE HERE. LET ME HAVE  
24 STAFF SUMMARIZE WHAT THE PROPOSAL IS. JOHN BELL.

25 MR. BELL: MR. CHAIRMAN, MEMBERS OF THE BOARD --



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 BOARD MEMBER BREMBERG: JUST A MINUTE. MR.  
2 CHAIRMAN, BEFORE YOU START, ON PAGE 354, THE INSTRUCTIONS  
3 FOR COMPLETING THE APPLICATION AND IMMEDIATELY DISCUSSED  
4 THING, UNDER TYPES OF WASTE RECEIVED, "AUTO SHREDDER  
5 WASTE. THE FLUFF CONSISTS OF UPHOLSTRY, PAINT, PLASTICS,  
6 AND OTHER NON-METALLIC SUBSTANCES WHICH REMAIN AFTER THE  
7 SHREDDING OF AUTOMOBILES, DISCARDED HOUSEHOLD MAJOR  
8 APPLIANCES, AND SHEETMETAL. THE STATE DEPARTMENT OF  
9 HEALTH SERVICES HAS CLASSIFIED UNTREATED SHREDDER WASTE  
10 AS HAZARDOUS." HERE IT SAYS "TREATED."

11 I THINK THE VERY FIRST THING YOU BETTER  
12 TELL ME IS HOW IS IT BEING TREATED AND WHY AND HOW AND  
13 HAS IT BEEN PROVEN THAT TREATING PAINT AND PLASTICS,  
14 WHICH AUTOMATICALLY FALL INTO HOUSEHOLD HAZARDOUS WASTE,  
15 SUDDENLY BECOME SO SPLENDID THAT THEY CAN BE USED TO TEST  
16 COVER MATERIAL? BEFORE YOU START ANYTHING. AND I'VE  
17 READ THIS VERY, VERY CAREFULLY, AND I DON'T REALLY SEE --  
18 I SEE WE'RE OPENING UP A BUCKET OF WORMS HERE FOR THE  
19 UNINFORMED AND THE NONKNOWLEDGEABLE TO HIT US AGAIN WITH  
20 A SLEDGE HAMMER.

21 MR. EOWAN: WE'RE GOING TO GO INTO DETAIL ON THE  
22 VARIOUS --

23 BOARD MEMBER BREMBERG: AND I HOPE YOU PLAN TO  
24 DISSEMINATE THIS INFORMATION VERY CAREFULLY WITH CLEAR  
25 INFORMATION BECAUSE I GOT JUST ONE CALL, AND THAT USUALLY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Harristers'*  
*reporting service*

1 MEANS THERE ARE A HUNDRED NUTS THAT ARE WONDERING ABOUT  
2 IT IF YOU GET ONE CALL OR 300, AND THEY OVERLOOK THE WORD  
3 TREATED. THEY JUST SAY SHREDDER AUTO WASTE IS HAZARDOUS.  
4 HOW CAN YOU DO THIS TO US? YOU'RE SELLING US DOWN THE  
5 RIVER. YOU'RE A ROTTEN PERSON. AND THAT'S OPEN TO  
6 SUBJECTIVE ANALYSIS.

7 MR. EOWAN: OKAY.

8 MR. BELL: MR. CHAIRMAN, MEMBERS OF THE BOARD,  
9 AGENDA ITEM 19 INVOLVES CONSIDERATION OF A REQUEST TO  
10 WAIVE DAILY COVER REQUIREMENTS AT THE WEST CONTRA COSTA  
11 LANDFILL. THE WAIVER WOULD ALLOW AN EXPERIMENT TO TAKE  
12 PLACE. IT WOULD TEST THE SUITABILITY OF THIS AUTO  
13 SHREDDER WASTE AS AN ALTERNATIVE TO SOIL AS A COVER  
14 MATERIAL.

15 THE EXPERIMENT WOULD VERIFY THAT AUTO  
16 SHREDDER WASTE WOULD SERVE AS A PROPER BARRIER TO THE  
17 EMERGENCE OR ATTRACTION TO THE LANDFILL OF FLIES,  
18 RODENTS, OR OTHER VECTORS; THAT IT WOULD SERVE AS A  
19 BARRIER TO THE PROGRESS OF FIRES WITHIN THE LANDFILL;  
20 THAT IT WOULD SERVE AS A BARRIER TO THE ESCAPE OF ODOR;  
21 AND THAT IT WOULD SERVE AS A BARRIER TO THE EXCESS  
22 INFILTRATION OF SURFACE WATER RUNOFF, THE MOST IMPORTANT  
23 CONSIDERATION AT THIS SITE.

24 THE GOVERNMENT CODE STATES THAT THE BOARD  
25 MAY GRANT THIS WAIVER IF IT DETERMINES THAT THIS



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 EXPERIMENT WILL DEVELOP NEW METHODS OR TECHNOLOGY AND  
2 THAT GRANTING THIS WAIVER WILL SIGNIFICANTLY FACILITATE  
3 IMPLEMENTATION OF STATE POLICY.

4 IT SHOULD BE NOTED THAT THE WAIVER, IF  
5 GRANTED, WILL ONLY APPLY TO THE WEST CONTRA COSTA  
6 DISPOSAL SITE.

7 I WOULD LIKE NOW TO INTRODUCE PAUL  
8 FORSBERG, ON MY RIGHT, WHO IS A STAFF PERSON RESPONSIBLE  
9 FOR ALL ENFORCEMENT-RELATED ISSUES AT THE SITE AND IN THE  
10 COUNTY. AND HE WILL GO INTO DETAILS ON THIS ISSUE AND  
11 THE SITE'S ENFORCEMENT HISTORY.

12 MR. FORSBERG: MR. CHAIRMAN, MEMBERS OF THE  
13 BOARD, I'D LIKE TO START OUT WITH A LITTLE BIT OF  
14 BACKGROUND INFORMATION.

15 THE WEST CONTRA COSTA SANITARY LANDFILL IS  
16 SITUATED ON DIKED MARSHLAND, TIDELAND, AND COASTLAND NEAR  
17 RICHMOND IN CONTRA COSTA COUNTY. RICHMOND SANITARY  
18 SERVICE HAS OPERATED BOTH CLASS I, HAZARDOUS, AND CLASS  
19 III, NON-HAZARDOUS, WASTE MANAGEMENT UNITS AT THE SITE  
20 SINCE 1955.

21 CLASS I OPERATIONS CEASED NOVEMBER 7, 1985,  
22 AND THE OPERATOR IS CURRENTLY WORKING WITH THE DEPARTMENT  
23 OF HEALTH SERVICES TO ACHIEVE FINAL CLOSURE OF THIS  
24 PORTION OF THE SITE.

25 CLASS III OPERATIONS ARE ONGOING. THE SITE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES ORANGE COUNTY SAN DIEGO  
213-622-8511 714-953-4447 619-455-1997

*barristers'*  
*reporting service*

1 CURRENTLY ACCEPTS COMMERCIAL AND RESIDENTIAL WASTE,  
2 WASTEWATER TREATMENT SLUDGE, ASBESTOS, AND INFECTIOUS  
3 WASTE.

4 BASED ON THE CURRENT WASTE STREAM, SITE  
5 CLOSURE IS PROJECTED FOR JANUARY/JULY 1992, IN THE FIRST  
6 PORTION OF YEAR. IF, HOWEVER, THE SITE RECEIVES WASTE,  
7 DUE TO THE CLOSURE OF ACME LANDFILL, THE WEST CONTRA  
8 COSTA LANDFILL MAY REACH CAPACITY AS EARLY AS 1990.

9 THE BOARD STAFF CONDUCTED AN INSPECTION OF  
10 WEST CONTRA COSTA SITE ON FEBRUARY 18 AND 19, 1988. THE  
11 OPERATOR WAS CITED FOR SIX VIOLATIONS OF STATE MINIMUM  
12 STANDARDS, INCLUDING AVAILABILITY OF COVER AND COVER.  
13 THESE TWO VIOLATIONS RESULTED FROM THE OBSERVATION THE  
14 OPERATOR WAS USING A MIXTURE OF AUTO SHREDDER WASTE AND  
15 SOIL AS A DAILY COVER MATERIAL.

16 THE LEA REPORTED IN A LETTER DATED JUNE 21,  
17 1988, THAT THE WEST CONTRA COSTA LANDFILL HAS A KNOWN  
18 MIGRATION OF OFF-SITE HAZARDOUS WASTE IN CONCENTRATIONS  
19 WHICH ARE WELL ABOVE STATE ACTION LEVELS. THE SAN  
20 FRANCISCO BAY REGION OF THE STATE WATER RESOURCES CONTROL  
21 BOARD IS ANTICIPATING REMEDIAL ACTION IN THIS AREA IN THE  
22 NEAR FUTURE.

23 OPERATORS OF THE WEST CONTRA COSTA LANDFILL  
24 USED SOIL MIXED WITH UNTREATED, WHICH IS HAZARDOUS, AUTO  
25 SHREDDER WASTE, AS DAILY COVER FROM 1973 TO 1988. THE

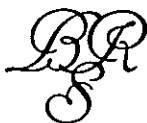
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*



1 SHREDDER WASTE, WHICH IS RECEIVED FROM SCHNITZER STEEL  
2 PRODUCTS COMPANY, CAN BE TREATED BY A SILICATE-BASED  
3 CHEMICAL PROCESS WHICH IS REFERRED TO AS THE K-20  
4 TREATMENT.

5 IN A LETTER DATED JUNE 13, 1988, THE  
6 DEPARTMENT OF HEALTH SERVICES CLASSIFIED THE TREATED AUTO  
7 SHREDDER WASTE AS NONHAZARDOUS WASTE. IN THE STATE  
8 INSPECTION REPORT DATED MARCH 15, 1988, BOARD STAFF  
9 NOTIFIED THE OPERATOR THAT THE USE OF AN AUTO SHREDDER  
10 WASTE AND SOIL MIXTURE AS COVER MATERIAL WOULD NOT BE  
11 ALLOWED AS THE OPERATOR HAD NOT DEMONSTRATED THAT THIS  
12 MATERIAL SATISFIED THE CRITERIA LISTED IN SECTION  
13 17225.16 AS SUITABLE COVER MATERIAL. THE OPERATOR AGREED  
14 NOT TO USE THE SHREDDER WASTE AS COVER UNTIL APPROVAL WAS  
15 GRANTED.

16 ON JANUARY 16, 1989, THE BOARD RECEIVED A  
17 REQUEST TO GRANT RICHMOND SANITARY SERVICE, THE OPERATOR  
18 OF THE WEST CONTRA COSTA LANDFILL, A WAIVER FROM THE  
19 DAILY COVER REQUIREMENT UNDER GOVERNMENT CODE SECTION  
20 66796.84(B) IN ORDER TO TEST THE SUITABILITY OF SHREDDER  
21 WASTE AS A SUITABLE COVER MATERIAL.

22 WHAT YOU SEE HERE ON THE LEFT SIDE OF THE  
23 SLIDE IS THE MIX OF AUTO SHREDDER WASTE AND SOIL BEING  
24 USED AS DAILY COVER MATERIAL.

25 BOARD MEMBER ARAKALIAN: WHICH PART IS THAT IN?

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Harristers*  
*reporting service*

1 MR. FORSBERG: THAT'S THE LEFT PORTION.

2 ONCE YOU HAVE A MIXTURE OF THE AUTO  
3 SHREDDER WASTE AND SOIL, IT LOOKS, ESPECIALLY AT A  
4 DISTANCE, JUST LIKE SOIL. SO IT'S HARD TO DISTINGUISH  
5 UNLESS YOU WALK UP TO IT AND LOOK CLOSELY.

6 PURSUANT TO GOVERNMENT CODE 66796.84, THE  
7 BOARD MAY GRANT WAIVERS OF INDIVIDUAL STANDARDS WHEN THE  
8 BOARD HAS DETERMINED THAT THE OPERATION IS AN  
9 EXPERIMENTAL ONE DESIGNED TO DEVELOP NEW METHODS OR  
10 TECHNOLOGY, AND IN GRANTING THE WAIVER WILL SIGNIFICANTLY  
11 FACILITATE IMPLEMENTATION OF STATE POLICY.

12 THE LANDFILL OPERATOR HAS PROVIDED, AS PART  
13 OF HIS WAIVER REQUEST, AN ENGINEERING REPORT JUSTIFYING  
14 THE REQUEST AND CERTIFYING THAT NO SIGNIFICANT  
15 ENVIRONMENTAL IMPACTS WILL RESULT FROM THE DEMONSTRATION  
16 PROJECT. HOWEVER, THE BOARD STAFF HAS NOT YET RECEIVED  
17 TEST RESULTS THAT WOULD INDICATE THAT THE MATERIAL HAS  
18 SUITABLE COMPACTABILITY PROPERTIES, THE ABILITY TO RETARD  
19 LANDFILL FIRES, AND THE ABILITY TO PROTECT WASTES FROM  
20 EXCESS INFILTRATION.

21 THESE PROPERTIES OF A SUITABLE COVER  
22 MATERIAL COULD BE DEMONSTRATED THROUGH A COMBINATION OF  
23 FIELD AND LAB TESTS AND IMPLEMENTATION OF THE PERFORMANCE  
24 STANDARDS. THE DEMONSTRATION PROJECT WOULD AT A  
25 MAXIMUM -- WOULD AT MINIMUM BE ONE YEAR IN DURATION,

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 WOULD NOT BE LONGER THAN TWO YEARS IN DURATION. UPON  
2 COMPLETION OF THE DEMONSTRATION, BOARD STAFF WOULD AFFIRM  
3 OR DENY SUITABILITY OF THE MATERIAL BASED IN PART ON,  
4 ONE, THE RESULTS CONTAINED IN THE ENGINEERING REPORT;  
5 TWO, RESULTS OF THE DEMONSTRATION ITSELF; AND, THREE, ON  
6 THE RECOMMENDATION PROVIDED BY THE LEA, AS THE LEA WOULD  
7 BE INVOLVED WITH MONITORING PERFORMANCE STANDARDS.

8 MR. BELL: THANK YOU, PAUL. AGENDA ITEM 19  
9 CONTAINS TWO BOARD OPTIONS. OPTION NO. 1 DENIES THE  
10 WAIVER. THE BOARD COULD CHOOSE THIS OPTION IF IT DECIDES  
11 CURRENT ENVIRONMENTAL PROBLEMS AT THE WEST CONTRA COSTA  
12 SITE COULD BE OR COULD EXACERBATE OR BE EXACERBATED BY  
13 THE COVER EXPERIMENTATION WITH UNPROVEN MATERIALS.

14 OPTION NO. 2 GRANTS A WAIVER OF SECTION  
15 17682 OF THE CALIFORNIA CODE OF REGULATIONS WITH  
16 CONDITIONS. THESE CONDITIONS ARE EXTREMELY IMPORTANT.  
17 THE FIRST CONDITION IS THAT THE OPERATOR PROVIDE THE  
18 RESULTS OF LABORATORY AND FIELD TESTS FOR COMPATIBILITY,  
19 RESISTANCE TO FIRE, AND PERMEABILITY NO LATER THAN THREE  
20 MONTHS AFTER PROJECT INITIATION.

21 (B) THAT THE BOARD STAFF SHALL EVALUATE THE  
22 RESULTS AFTER ONE YEAR TO DETERMINE IF THE DEMONSTRATION  
23 SHOULD CONTINUE -- SHOULD BE CONTINUED OR SHOULD HAVE  
24 MORE OR DIFFERENT CONDITIONS.

25 (C) IF THE LABORATORY AND FIELD TESTS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*Harristers'*  
*reporting service*

1 RESULTS SHOW THE MATERIAL TO BE LESS RESISTANT TO EXCESS  
2 INFILTRATION THAN SOIL, THAT A MOISTURE BALANCE STUDY BE  
3 CONDUCTED IN ORDER TO DOCUMENT WHETHER OR NOT THE  
4 INCREASED INFILTRATION WILL INCREASE THE POTENTIAL FOR  
5 GROUND WATER CONTAMINATION.

6 (D) THAT NO INCREASE IN GROUND WATER  
7 CONTAMINATION BE OBSERVED OVER THE DURATION OF THE  
8 EXPERIMENT.

9 (E) THAT THE LEA AGREE TO MONITOR THE TEST  
10 BY THE PERFORMANCE STANDARDS, AND THAT THE LEA HAVE A  
11 SIGNIFICANT RESPONSIBILITY TO MONITOR THE DEMONSTRATION  
12 AND TO DOCUMENT THE FINDINGS AND REPORT THEM TO THE  
13 BOARD.

14 AND THAT THE TREATED AUTO. SHREDDER WASTE  
15 CONTINUE TO BE TESTED EVERY 32 HOURS FOR HEAVY METALS AND  
16 THE TEST RESULTS BE SENT TO THE LEA.

17 AND, FINALLY, IF AT ANY POINT DURING THE  
18 DEMONSTRATION PERIOD CONDITIONS ARISE WHICH COMPROMISE  
19 THE INTEGRITY OF THE DEMONSTRATION OR THE LANDFILL  
20 ITSELF, THE PROJECT SHALL BE TERMINATED.

21 WITH THESE CONDITIONS, STAFF RECOMMENDS  
22 THAT THE BOARD ACCEPT OPTION II, GRANTING THE WAIVER.

23 AND THERE ARE SEVERAL PEOPLE IN THE  
24 AUDIENCE HERE TO SPEAK. THEY INCLUDE LARRY BURCH, WHO IS  
25 THE SITE ENGINEER; MARK MADDEN, OF SCHNITZER STEEL

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 PRODUCTS; JAMES BLAKE OF THE CONTRA COSTA HEALTH  
2 DEPARTMENT IS HERE TO ANSWER ANY QUESTIONS; AND BETH  
3 LEVINE OF THE SAN FRANCISCO BAY REGIONAL WATER QUALITY  
4 CONTROL BOARD IS ALSO HERE AND AVAILABLE TO ANSWER  
5 QUESTIONS RELATED TO GROUND WATER CONTAMINATION AT THE  
6 SITE.

7 BOARD MEMBER MOSCONE: ARE THERE ANY QUESTIONS  
8 ON THIS PRESENTATION?

9 BOARD MEMBER BREMBERG: MR. CHAIRMAN, WHEN THE  
10 LADY FROM THE REGIONAL WATER QUALITY COMES, I WANT TO ASK  
11 HER HOW THIS CONFORMS TO PROPOSITION 65. WHERE THERE IS  
12 ALREADY GROUND WATER CONTAMINATION, WHAT CAN BE DONE TO  
13 DETERMINE HOW MUCH MORE AND WHY ARE WE DELIBERATELY  
14 RECOMMENDING THAT WE TAKE A CHANCE ON FURTHER GROUND  
15 WATER CONTAMINATION WHEN -- WHETHER I AGREED WITH THEM OR  
16 NOT, UNDER THE GUISE OF SAFE DRINKING WATER, PROP 65  
17 PASSED, AND THERE'S A REAL GRAY AREA HERE ON -- BY ADDING  
18 CHEMICALS, ARE WE --

19 BOARD MEMBER CALLOWAY: MS. BREMBERG, LET'S LET  
20 HER COME UP AND ASK HER --

21 BOARD MEMBER BREMBERG: BUT -- WELL, I WANT TO  
22 KNOW IF SHE'S PREPARED TO DO ALL THAT JUST IN CASE.

23 BOARD MEMBER CALLOWAY: YEAH. YEAH. I'M SURE  
24 SHE IS, BUT -- THOSE ARE MY QUESTIONS, AND I'D LIKE TO  
25 HEAR HER ANSWER.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*

1 BOARD MEMBER BEAUTROW: COULD YOU IDENTIFY THOSE  
2 SPEAKERS THERE? IS THERE ANY PROS OR CONS PER SE, OR ARE  
3 THEY JUST -- YOU KNOW SOMETIMES WHEN WE HEAR TESTIMONY,  
4 WE SAY HERE'S THE PROS AND HERE'S THE CONS. IS THERE ANY  
5 IDENTIFIED AS SUCH?

6 BOARD MEMBER MOSCONE: I THINK ALL OF THE NAMES  
7 THAT WERE MENTIONED, I THINK, ARE ALL IN THIS ITEM. AT  
8 LEAST --

9 MR. VLACH: WITH THE EXCEPTION OF THE  
10 REPRESENTATIVE OF THE SAN FRANCISCO REGIONAL BOARD, THE  
11 OTHERS ARE ALL EITHER THE LANDFILL OPERATOR AND  
12 REPRESENTATIVE OF THE COMPANY THAT MANUFACTURES OR HAS  
13 THE BY-PRODUCT, THE SHREDDER BY-PRODUCT ITSELF. ASSUMING  
14 THEY WOULD BE PROS.

15 BOARD MEMBER MOSCONE: I THINK I RECOGNIZE ALL  
16 OF THEIR NAMES THAT HAVE BEEN IN THIS REPORT TO US.

17 BOARD MEMBER CALLOWAY: I THINK WHEN THEY SPEAK,  
18 YOU WILL KNOW WHETHER THEY ARE EITHER FOR OR AGAINST. I  
19 THINK IT WILL COME OUT IN THE CONVERSATION.

20 BOARD MEMBER MOSCONE: MR. BURCH, WOULD YOU  
21 LIKE TO LEAD THIS OFF?

22 WHILE HE'S GETTING READY, FOR THOSE OF YOU  
23 WHO DO NOT KNOW MR. BURCH, HE WAS ON STAFF OF THIS BOARD.  
24 HE CAME TO US FROM THE HEALTH DEPARTMENT. FROM THE  
25 HEALTH DEPARTMENT HE CAME TO OUR BOARD AND THEN,



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Harristers'*  
*reporting service*

1 UNFORTUNATELY, CHOSE TO LEAVE OUR BOARD AND WENT IN  
2 PRIVATE WORK, LET'S SAY. BUT I KNOW THAT, PERSONALLY, I  
3 MISS THE MAN BECAUSE I KNOW WHAT HE CAN DO. LARRY.

4 MR. BURCH: THANK YOU, MR. CHAIRMAN. MEMBERS OF  
5 THE BOARD, MY NAME IS LARRY BURCH. I'M AN EMPLOYEE OF  
6 RICHMOND SANITARY SERVICE. I'M THE DIRECTOR OF  
7 ENGINEERING. I'M RESPONSIBLE FOR THE ENGINEERING OF THE  
8 LANDFILL.

9 BOARD MEMBER ARAKALIAN: I'M SORRY. I DIDN'T  
10 GET WHO YOU WERE.

11 MR. BURCH: LARRY BURCH.

12 BOARD MEMBER ARAKALIAN: WHO DO YOU REPRESENT?

13 MR. BURCH: RICHMOND SANITARY SERVICE. THE SITE  
14 OPERATOR AND OWNER.

15 WE, OF COURSE, ARE A PROPONENT OF THIS  
16 WAIVER REQUEST IN THAT WE ARE WISHING TO REDUCE OUR COSTS  
17 OF COVERING THE REFUSE BY RECYCLING WASTES IN THE FORM OF  
18 THE AUTO SHREDDER WASTE.

19 THE PLAN HERE IS TO MIX THE AUTO SHREDDER  
20 WASTE WITH SOIL, CREATING A SUITABLE PRODUCT TO COVER THE  
21 REFUSE. THIS MAY BE AN EXPERIMENT USING THE TREATED AUTO  
22 WASTE, BUT IT IS SOMETHING THAT WE HAVE DONE FOR 19  
23 YEARS, USING IT AS A DAILY COVER SUPPLEMENT.

24 I HAVE SOME SLIDES HERE I'D LIKE TO USE TO  
25 BRIEFLY SHOW THE SITE AND SPEAK TO THE ISSUES OF WATER

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 QUALITY AND WATER FORMATION IN THE SITE, LEACHATE  
2 FORMATION.

3 WE ARE, OF COURSE, LOCATED ON THE EDGE OF  
4 THE BAY NEAR THE CITY OF RICHMOND. THIS IS AN AERIAL  
5 PHOTO SHOWING THE SAN PABLO BAY IS RIGHT ADJACENT TO THE  
6 SITE. THE SITE HAS CLAY DIKES AT THE EDGE OF IT TO KEEP  
7 THE BAY WATER FROM ENTERING THE LANDFILL OR ANY LEACHATE  
8 LEAVING THE LANDFILL. AND ON THE OUTSIDE OF THOSE CLAY  
9 DIKES, WE HAVE CONCRETE RIPRAP TO PROVIDE EROSION CONTROL  
10 AND WAVE PROTECTION.

11 BOARD MEMBER MOSCONE: LARRY, IF THE FORMER  
12 CLASS I SITE SHOWS IN THAT PHOTO, COULD YOU POINT IT OUT?

13 MR. BURCH: YES, I WILL.

14 BOARD MEMBER MOSCONE: DOES IT SHOW ON THAT  
15 PHOTO?

16 MR. BURCH: NOT ON THIS PHOTO, BUT THE NEXT  
17 PHOTO IT DOES SHOW.

18 THIS IS THE FAR WESTERN CORNER OF THE  
19 LANDFILL. THE WHITE PIPES YOU SEE THERE ARE PART OF THE  
20 LANDFILL GAS CONTROL SYSTEM. THIS IS A VIEW LOOKING TO  
21 THE EAST AGAIN AT THE SAN PABLO BAY AT THE EDGE OF THE  
22 LANDFILL. THE CLASS I SITE IS THE DARK POND, THIS AREA  
23 RIGHT HERE (INDICATING). THERE'S A 28-ACRE CLASS I SITE  
24 HERE AND A 160-ACRE CLASS II SITE.

25 THE SOURCE OF THE WATER POLLUTION THAT WE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*



1 HAVE DISCOVERED AT THE SITE IS NOT FROM AUTO SHREDDER  
2 WASTE, NOT FROM GARBAGE. IT'S FROM THE CLASS I POND THAT  
3 HAS LEAKED OVER A PERIOD OF TIME. AND THIS HAS BEEN WELL  
4 DOCUMENTED IN THE BORINGS AND THE WATER QUALITY TESTS  
5 THAT WE HAVE CONDUCTED AT THE LANDFILL OVER THE LAST FOUR  
6 YEARS.

7 WE KNOW THAT THERE IS A LEAK OUTSIDE THE  
8 CLASS I SITE. WE HAVE SPENT A MILLION DOLLARS OVER THE  
9 LAST TWO YEARS PUTTING IN A SPECIAL CLAY BARRIER THAT NOW  
10 SURROUNDS THE CLASS I SITE TO A GREATER DEPTH THAN IT DID  
11 BEFORE.

12 THE LEAKAGE OCCURRED IN TWO DIRECTIONS, TO  
13 THE EAST AND TO THE NORTH. THE EASTERN DIRECTION HAS  
14 BEEN CUT OFF BY A SECOND SLURRY WALL CUT-OFF TRENCH WE  
15 INSTALLED IN 1987. THE LEAKAGE TO THE NORTH WAS JUST  
16 DETECTED LAST YEAR, AND THIS SUMMER WE WILL BE PUTTING IN  
17 ANOTHER SLURRY WALL. THAT IS THE MITIGATION PROGRAM THAT  
18 THE REGIONAL BOARD IS REQUIRING TO CONTAIN THIS LIQUID  
19 WITHIN THE CLASS II SITE. WE THEN WILL HAVE TO TAKE CARE  
20 OF THAT LIQUID, PROBABLY SOME SORT OF A TREATMENT STEP.

21 I, AGAIN, REITERATE THE CONTAMINATION THAT  
22 IS REPORTED UNDER THE PROP 65 ACTION IS NOT FROM THE AUTO  
23 SHREDDER WASTE. IT IS FROM THE HAZARDOUS WASTE SITE.  
24 THE AUTO SHREDDER WASTE HAS BEEN RECEIVED AT OUR LANDFILL  
25 SINCE 1976 OR '77. WE HAVE YET TO FIND CERTAIN HEAVY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

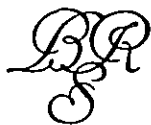
1 METALS IN OUR LEACHATE. WE THINK IT'S ONE OF THE WORLD'S  
2 LARGEST STLC, LEACHING TESTING EXPERIMENTS YOU ARE GOING  
3 TO SEE IN THE FACT THAT WE'VE HAD A LOT OF WATER ON THIS  
4 LANDFILL THAT IS NOT LEACHING OUT THE CHEMICALS INTO THE  
5 LEACHATE.

6 THIS SHOWS A SIDE VIEW OF THE LANDFILL WITH  
7 THE WAVE PROTECTION ON THE EDGE OF IT. THIS IS THE CLASS  
8 I POND, A MORE CLOSE-UP VIEW. THE BUILDING IN THE  
9 BACKGROUND IS OUR METHANE GENERATION PLANT. WE GENERATE  
10 AND SELL IT TO PG & E. THIS IS THE REASON WE HAVE HIGH  
11 QUANTITY OF LEACHATE IN THE LANDFILL.

12 THESE PONDS -- THIS IS A 1986 PICTURE.  
13 THESE PONDS HAD BEEN USED TO RECEIVE SAN FRANCISCO'S  
14 SLUDGE, THEIR WET SLUDGE, FOR MANY, MANY YEARS. IT ADDED  
15 TO THE LEACHATE BURDEN IN THE LANDFILL, AND WE ARE NOW  
16 PUMPING THIS LEACHATE OUT TO THE SANITARY DISTRICT. THE  
17 LEACHATE IS TESTED EVERY WEEK, AND THE LEACHATE IS PUMPED  
18 TO THE LOCAL SANITARY DISTRICT WHICH IS RIGHT NEXT DOOR.

19 WE HAVE YET TO FAIL THE HAZARDOUS WASTE  
20 TEST. THE FISH ALL LIVE IN THE BIOASSAYS. WE HAVE NOT  
21 FOUND ANY PESTICIDES. WE'VE NOT FOUND ANY ORGANICS, LIKE  
22 BENZENE, ABOVE ABOUT A FOUR PART PER BILLION LEVEL. WE  
23 RUN THE FULL DOHS TESTING PROCEDURES TO LOOK AT THE  
24 LEACHATE QUALITY.

25 THE HEAVY METAL CONTENT OF OUR LEACHATE IS



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 ACTUALLY LOWER THAN THE STLC RESULTS FOR THE TREATED AUTO  
2 SHREDDER WASTE. AND THE AUTO SHREDDER WASTE HAS BEEN --  
3 TREATED WASTE HAS BEEN DESIGNATED AS NONHAZARDOUS BY UHS.

4 THIS ONE LAST COMMENT, AND THAT IS ON THE  
5 HAZARDOUS -- THE NOTE OF THE PAST AUTO SHREDDER WASTE HAS  
6 BEEN HAZARDOUS. I'M NOT SURE THAT IS TOTALLY CORRECT.  
7 THE LEGISLATURE ADOPTED SPECIAL LEGISLATION EXEMPTING  
8 AUTO SHREDDER WASTE FROM THE HAZARDOUS WASTE CATEGORY  
9 SEVERAL YEARS AGO. THAT ALLOWED US AND ANOTHER SITE IN  
10 SOUTHERN CALIFORNIA TO CONTINUE TO RECEIVE THIS AT A  
11 NONHAZARDOUS DISPOSAL SITE.

12 SO WE FEEL THAT THE WAIVER IS PROPER; THAT  
13 IT WOULD BE PROVIDING US A SOURCE OF COVER MATERIAL WE DO  
14 NOT HAVE NOW TO BLEND WITH THE SOIL THAT WE HAVE TO  
15 PURCHASE. OUR COMPANY IS FULLY PREPARED TO LIVE UNDER  
16 THE CONDITIONS OF THIS PERMIT AND TO BE VERY COOPERATIVE  
17 AS THE EXPERIMENT PROCEEDS.

18 MARK MADDEN IS HERE FROM SCHNITZER STEEL,  
19 AND HE'S PREPARED TO COMMENT ON THE TESTING AND THE  
20 TREATMENT PROCEDURE. WE ARE RELYING ON THEM TO BE THE  
21 FIRST STAGE OF CONTROL OF THE TREATED AUTO SHREDDER  
22 WASTE. AND IT WILL BE A CONDITION THAT THEY PROVIDE THAT  
23 SAME INFORMATION TO US TO ASSURE THAT IT DOES MEET THE  
24 SPECIFICATIONS. THEY ARE ALSO FINANCING THE TESTING OF  
25 THE SOIL PERMEABILITY OR THE MIXTURE OF SOIL

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997



*Barristers'*  
*reporting service*

1 PERMEABILITY, AND WE WILL COOPERATE WITH THEM IN THAT  
2 RATHER.

3 IF I COULD ANSWER ANY QUESTIONS, THAT'S THE  
4 END OF MY SLIDE PRESENTATION.

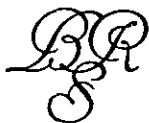
5 CHAIRMAN GALLAGHER: THANK YOU, MR. BURCH. ANY  
6 QUESTIONS?

7 BOARD MEMBER ARAKALIAN: WELL, I DON'T KNOW IF  
8 MINE IS A QUESTION AS MUCH AS IT IS A STATEMENT.

9 FRANKLY, I HAVE MIXED EMOTIONS ON THIS. IN  
10 GENERAL, I DON'T LIKE IT. BUT I HAVE OFFSETTING, YOU  
11 KNOW, REASONING. I DON'T LIKE THE WAY -- THE IDEA OF  
12 USING SHREDDER WASTE WITH THE DIRT TO USE AS A COVER  
13 BECAUSE SHREDDER WASTE, TO START WITH, IS A LITTLE BIT  
14 QUESTIONABLE. I KNOW YOU MENTIONED THAT IT IS NO LONGER  
15 CONSIDERED HAZARDOUS WASTE, WHICH IT ISN'T. BUT I THINK  
16 THEY CHANGED THAT TO A SPECIAL HANDLING, AND THE PROCESS  
17 IS USED BY THE PEOPLE WHO ARE ALLEGEDLY CLEANING IT. I  
18 GUESS THEY ARE. I DON'T KNOW. I'M NOT PARTICULARLY  
19 THRILLED WITH, BUT THAT'S THE BAD SIDE.

20 THE GOOD SIDE IS IF IT DOES DO THE JOB AND  
21 WITHIN THE PARAMETERS OF THE LAW AND THE SAFETY FEATURES  
22 AND WHATEVER ELSE, I THINK IT WOULD BE GOOD BECAUSE IT  
23 WOULD BE GETTING RID OF A WASTE THAT'S PROBLEMATIC, ONE.  
24 TWO, IT WOULD PROBABLY LOWER COSTS IN COVERING FOR THE  
25 LANDFILL USING THAT INSTEAD OF -- I DON'T KNOW WHERE THEY

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 GET THEIR FILL -- I MEAN THEIR COVER. HAS A LOT OF GOOD  
2 POINTS TO IT.

3 AND IF WE WERE TO -- I PROBABLY WOULD, BUT  
4 I DON'T KNOW ABOUT THE REST OF THE BOARD. I SPEAK FOR  
5 MYSELF -- ALLOW THIS, I'D CERTAINLY SAY -- YOU USE THE  
6 TERM "USE IT ON AN EXPERIMENTAL BASIS." WELL, IT'S A  
7 PRETTY GOOD SIZE EXPERIMENTAL BASIS. YOU KNOW, YOU'RE  
8 NOT DOING IT IN A CORNER OR A TEN-FOOT SQUARE. YOU ARE  
9 DOING IT ON A BIG SCALE.

10 I WOULD SAY THAT IT WOULD HAVE TO BE  
11 MONITORED OR CONTROLLED, AND VERY, VERY STRINGENTLY, AND  
12 AT THE FIRST SIGN OF ANYTHING WRONG, NOT GO THROUGH A  
13 LENGTHY PROCESS OF STOPPING IT, BUT A CEASE AND DESIST  
14 ALMOST -- I DON'T KNOW IF THAT CAN BE DONE OR HOW WE  
15 COULD DO IT.

16 MR. BURCH: IT WOULD BE VOLUNTARY.

17 BOARD MEMBER ARAKALIAN: BECAUSE IF IT IS GIVEN,  
18 GIVEN WITH THE UNDERSTANDING THAT, ONE, IT IS MONITORED  
19 VERY, VERY CLOSELY; AND, TWO, IT CAN BE STOPPED INSTANTLY  
20 SO THAT YOU DON'T GO ALONG FOR ANOTHER TWO MONTHS WHILE  
21 IT'S WAITING FOR MEETING TO MEETING TO GET SOMETHING  
22 DONE. AND MY MOTIVATION FOR AT ALL ALLOWING IT WOULD BE  
23 THAT, IF ALTERNATIVE PLANS CAN BE HELPFUL, SOMEWHERE  
24 ALONG THE LINE YOU HAVE TO BITE THE BULLET AND SAY LET'S  
25 TRY IT. AND I WOULD LIKE TO SAY THAT I'D LIKE TO SEE IT

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*

1 DONE, POSSIBLY, BUT VERY, VERY STRINGENTLY CONTROLLED.

2 CHAIRMAN GALLAGHER: SAM, MAY I JUST POINT IN  
3 YOUR PACKET ON 359, PERHAPS THIS WOULD ANSWER SOME OF  
4 YOUR CONCERNS. LOOK AT ITEM G, WHICH I THINK COVERS  
5 WHAT'S YOU ARE TALKING ABOUT. 359.

6 BOARD MEMBER ARAKALIAN: YEAH, THE ONE WHERE --

7 CHAIRMAN GALLAGHER: IF AT ANY POINT DURING THE  
8 DEMONSTRATION PERIOD, CONDITIONS ARISE WHICH  
9 COMPROMISE --

10 BOARD MEMBER MOSCONE: AT THE VERY BOTTOM, SAM.  
11 EXCUSE ME, JOHN.

12 BOARD MEMBER ARAKALIAN: THAT'S G.

13 CHAIRMAN GALLAGHER: YEAH.

14 BOARD MEMBER ARAKALIAN: OH, I DON'T HEAR WELL.  
15 I THOUGHT YOU SAID D -- B.

16 CHAIRMAN GALLAGHER: MAYBE THAT WILL ANSWER YOUR  
17 CONCERNS.

18 BOARD MEMBER ARAKALIAN: WHO WILL BE DOING THE  
19 MONITORING OF THIS OR WHATEVER THE WORD -- THE CORRECT  
20 WORD IS FOR IT?

21 CHAIRMAN GALLAGHER: I'M SURE THAT THE LEA IS  
22 GOING TO BE INVOLVED IN THE WHOLE THING.

23 BOARD MEMBER MOSCONE: IT'S ALL LAID OUT IN THE  
24 CONDITIONS THERE.

25 BOARD MEMBER BROWN: WHY DON'T WE LET THIS

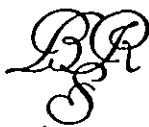
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 PROCEED. WE'RE JUMPING WAY OVER TO THE OTHER END OF THE  
2 DISCUSSION. WE DON'T EVEN HAVE THE PRESENTATIONS YET.  
3 LET'S PROCEED ON WITH THE SPEAKERS AND MAKING CLOSING  
4 STATEMENTS BEFORE WE START.

5 BOARD MEMBER ARAKALIAN: WELL, THAT'S ALL RIGHT  
6 WITH ME.

7 MR. BURCH: ANY OTHER QUESTIONS THAT THEY MIGHT  
8 HAVE OF ME?

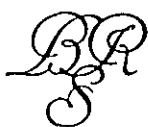
9 CHAIRMAN GALLAGHER: OKAY, LET'S PROCEED.

10 MR. VLACH: MR. GALLAGHER, WE ALSO HAVE THE  
11 GENERATOR OF THE PRODUCT, MR. MARK MADDEN -- WELL, NOT  
12 PERSONALLY, BUT HIS COMPANY, SCHNITZER STEEL. HE'S THE  
13 REPRESENTATIVE. HE'LL BE HAPPY TO DISCUSS THE PHYSICAL  
14 PROPERTIES OF THE MATERIAL ITSELF, ADDRESS MS. BREMBERG'S  
15 CONCERNS MORE STRAIGHTFORWARDLY.

16 AND THEN THERE'S ALSO THE LEA, MR. JIM  
17 BLAKE, IS HERE TO ANSWER, I BELIEVE IT WAS, THE  
18 CHAIRMAN'S QUESTION CONCERNING WHO WOULD BE DOING THE  
19 DAY-TO-DAY MONITORING OF THE DEMONSTRATION PROGRAM. HE  
20 IS HERE AS WELL. AND THEN THERE IS MS. BETH LEVINE FROM  
21 THE REGIONAL BOARD HERE. SO IT'S AT YOUR PLEASURE WHO  
22 WILL BE NEXT.

23 CHAIRMAN GALLAGHER: WOULD YOU LIKE TO COME  
24 FORWARD, SIR?

25 MR. MADDEN: CHAIRMAN GALLAGHER AND MEMBERS OF



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

1 THE WASTE MANAGEMENT BOARD, MY NAME IS MARK MADDEN, AND I  
2 REPRESENT SCHNITZER STEEL, THE AUTO SHREDDER AND METAL  
3 RECYCLER LOCATED IN OAKLAND. I'D LIKE TO TAKE THIS  
4 OPPORTUNITY, IF I MAY, TO PERSONALLY THANK EACH ONE OF  
5 YOU FOR THE BOARD'S SPECIAL AWARD OF MERIT FOR INNOVATIVE  
6 RECYCLING WHICH YOU AWARDED US A FEW DAYS AGO.

7 DURING MORE THAN THE 20 YEARS WE HAVE  
8 SHREDDED OVER THREE MILLION JUNKED AND ABANDONED CARS AND  
9 RECOVERED ABOUT 2.2 MILLION TONS OF REUSABLE METALS OVER  
10 THAT TIME. AND WE ARE HONORED BY YOUR RECOGNITION OF OUR  
11 AUTO RECYCLING PROGRAM, WHICH IRONICALLY, I GUESS, BRINGS  
12 ME HERE TODAY ON THIS MATTER.

13 WE STRONGLY SUPPORT RICHMOND SANITARY'S  
14 REQUEST FOR A WAIVER TO UTILIZE A MIXTURE -- I'D LIKE TO  
15 EMPHASIZE THAT -- A MIXTURE OF SOIL AND OUR TREATED  
16 SHREDDER WASTE AS DAILY COVER. THIS TREATED MATERIAL, AS  
17 BETH LEVINE WILL INDICATE, I THINK, IN HER PRESENTATION,  
18 HAS BEEN THE SUBJECT OF NUMEROUS TESTS, AND AS THE  
19 DOCUMENTATION WILL SHOW, CERTIFICATION BY THE DEPARTMENT  
20 OF HEALTH SERVICES, I BELIEVE, ON JUNE 13TH, THAT THIS  
21 MATERIAL COMPLIES WITH ALL THE STANDARDS OF THE  
22 DEPARTMENT OF HEALTH SERVICES IN SPECIFICALLY THAT IT IS  
23 A NONHAZARDOUS MATERIAL THAT CAN GO INTO ANY CLASS III  
24 LANDFILL, SUBJECT, OF COURSE, TO THE REGIONAL REGULATIONS  
25 OF THE BOARD, WATER BOARD IN QUESTION, THAT BEING SAN

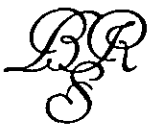
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*Barristers'*  
*reporting service*



1 FRANCISCO.

2 AT THE END OF DECEMBER, THE SAN FRANCISCO  
3 BOARD SPECIFICALLY CONSIDERED THE MATTER OF CO-DISPOSING  
4 TREATED AUTO SHREDDER WASTE IN RICHMOND. AND BASED ON  
5 THEIR WELL-KNOWN ANALYSIS AND EVALUATION AND EXPERIENCE  
6 WITH RICHMOND OVER THESE YEARS, PASSED A RESOLUTION WHICH  
7 ORDERED OR ALLOWED RICHMOND SANITARY TO ACCEPT TREATED  
8 AUTO SHREDDER WASTE CO-DISPOSED.

9 AND NOW WHAT IS BEFORE YOU, OF COURSE, IS  
10 THEIR REQUEST, WHICH WE SUPPORT, TO BASICALLY USE IT AS  
11 DAILY COVER. AS I THINK LARRY HAS SAID, THAT IN THE  
12 PAST, THEY HAVE DONE WITH UNTREATED. AND I MIGHT SAY  
13 THAT THE SUMP WATER DATA THAT IS USED TO MONITOR RICHMOND  
14 HAS INDICATED NO APPRECIABLE -- AND I MEAN BELOW DRINKING  
15 WATER STANDARDS -- OF THE SPECIFIC TRACE HEAVY METALS  
16 THAT YOU FOLKS WOULD BE MUCH CONCERNED ABOUT.

17 SO, IN SUM, I WOULD SAY THAT WE HAVE 20  
18 YEARS OF EXPERIENCE WITH THIS MATERIAL UNTREATED AND WITH  
19 NO NEGATIVE ENVIRONMENTAL CONSEQUENCES. AND THE  
20 TREATMENT PROCESS, WHICH I WILL BE HAPPY TO DESCRIBE VERY  
21 BRIEFLY, AND SAY THAT IT IS COATED OR MERGED WITH A  
22 POLYSILICATE WHICH BONDS THE TRACE HEAVY METALS SO THAT  
23 THEY ARE ESSENTIALLY UNLEACHABLE IN A LANDFILL  
24 ENVIRONMENT SO THAT THEY CANNOT LEACH INTO THE WATER.

25 AND THAT, ESSENTIALLY, IS WHAT THE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*

1 TREATMENT PROCESS DOES. IT HAS BEEN USED SUCCESSFULLY IN  
2 SIX OR SEVEN -- WELL, I THINK FIVE OR SIX OTHER SHREDDER  
3 WASTE PRODUCERS IN SOUTHERN CALIFORNIA. WE HAVE IT AS  
4 WELL. SAME PROCESS, THE K-20. AND AS I SAY, IT HAS BEEN  
5 CERTIFIED SPECIFICALLY, THIS PROCESS, AT OUR FACILITY BY  
6 THE DEPARTMENT OF HEALTH SERVICES.

7 SIMPLY ALSO TO SAY THAT THIS MATERIAL IS  
8 MONITORED, AS MUST BE, EVERY 32-HOURS-WORTH OF PRODUCTION  
9 BY THE SAN FRANCISCO WATER BOARD, AND OBVIOUSLY THAT DATA  
10 IS PUBLIC DATA. WE WOULD BE PERFECTLY PLEASED, AS A  
11 MATTER OF FACT, TO DELIVER COPIES OF IT TO THE LOCAL  
12 ENFORCEMENT AGENCY.

13 SO WE STRONGLY SUPPORT RICHMOND'S REQUEST  
14 HERE. AND I WOULD LIKE TO SAY JUST ONE OR TWO THINGS  
15 ELSE, IF I MAY. OUR ABILITY TO CONTINUE AUTO RECYCLING  
16 IS AS MUCH A MATTER OF SOUND ECONOMICS AS GOOD  
17 ENVIRONMENTAL POLICY. AND THE ECONOMICS OF AUTO  
18 RECYCLING IS A FAIRLY SIMPLE MATTER OF CONTROLLING COSTS  
19 IN ORDER TO ATTRACT THESE CARS.

20 ON ONE HAND, WE PAY A PRICE FOR THE JUNKED  
21 AUTOMOBILES; AND IF THIS PRICE IS NOT HIGH ENOUGH,  
22 THERE'S NO INCENTIVE TO TRANSPORT THESE AUTO BODIES TO  
23 OUR SHREDDER, AND THEY WILL UNDOUBTEDLY REMAIN IN THE  
24 STREETS OR ON EMPTY LOTS, OR WORSE, DUMPED INTO  
25 LANDFILLS, RIVERBEDS, OR THE BAY ITSELF.

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 AND ON THE OTHER HAND, WE SELL THE  
2 RECOVERED METALS TO A WORLD MARKET, AND OUR COMPETITION  
3 COMES FROM AUTO SHREDDERS IN OTHER PARTS OF THE UNITED  
4 STATES, AS WELL AS FOREIGN COUNTRIES. SO OUR ABILITY,  
5 AND QUITE FRANKLY, OUR COMPETITORS' ABILITY TO OFFER THE  
6 SHREDDED METAL TO THE RECYCLE MARKET IS DETERMINED BY THE  
7 COST OF PROCESSING. AND THE MAJOR COST HERE IN  
8 CALIFORNIA IS THE DISPOSAL OF THAT SMALL PERCENTAGE OF  
9 THE NONRECYCLABLE OR AT LEAST AT THE MOMENT RECYCLABLE  
10 MATERIAL WE FINALLY CALL SHREDDER FLUFF, THAT WE TREAT  
11 IT, AS I SAID, WITH THE POLYSILCATE MATERIAL AND SAFELY  
12 CO-DISPOSE IN LANDFILLS.

13 SO EFFECTIVE JANUARY 1ST, RICHMOND SANITARY  
14 WILL CHARGE US \$31.20 A TON FOR CO-DISPOSING TREATED AUTO  
15 SHREDDER WASTE. WHEN WE ADD THIS COST TO THE TREATMENT  
16 PROCESS ITSELF, TRANSPORTATION, INSURANCE, LIABILITY,  
17 ADMINISTRATIVE COSTS, AND THE PRICE WE HAVE TO PAY TO  
18 ATTRACT JUNK CARS, WHEN YOU EVALUATE THESE COSTS AGAINST  
19 THE CURRENT MARKET PRICE THAT THE MARKET IS WILLING TO  
20 PAY FOR THE SHREDDED MATERIAL, WE CONFRONT A FAIRLY BASIC  
21 ECONOMIC REALITY, AN INADEQUATE RETURN ON INVESTMENT,  
22 WHICH MEANS, WHEN ALL IS SAID AND DONE, THAT WE CANNOT  
23 PAY OR WE MAY NOT BE ABLE TO PAY THE INCENTIVE PRICE TO  
24 ATTRACT THESE CARS IN THE FIRST PLACE TO COME THROUGH THE  
25 SHREDDER TO RECYCLE.

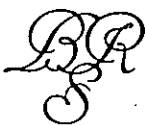
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*Harristers'*  
*reporting service*

1                   THERE'S ONLY TWO COURSES OF ACTION, YOU  
2                   KNOW, KIND OF AVAILABLE TO US. WE CAN STOP RECYCLING  
3                   WITH ALL THE ENVIRONMENTAL CONSEQUENCES OF ABANDONED  
4                   VEHICLES OR VALUABLE LAND SPACE FILLED WITH CARS, OR WE  
5                   CAN HOPEFULLY CONTROL THE COST. AND RICHMOND HERE OFFERS  
6                   US AN OPPORTUNITY TO DEPOSIT THE SAME TREATED SHREDDER  
7                   WASTE THAT THEY'VE BEEN USING FOR THE PAST 19 YEARS AT A  
8                   SUBSTANTIALLY REDUCED RATE, IF YOU ALLOW THEM TO USE THIS  
9                   ON AN EXPERIMENTAL BASIS TO DEMONSTRATE WHAT I THINK WILL  
10                  BE THE CASE, THAT IT IS, IN FACT, A SUITABLE MATERIAL.

11                 SO WITH THAT IN MIND, WE BELIEVE THAT THIS  
12                 INNOVATION OR THIS EXPERIMENT IS, QUITE FRANKLY, AS MUCH  
13                 A PART OF THE RECYCLING AS THE CAR SHREDDING ITSELF, AND  
14                 WE RESPECTFULLY REQUEST BOARD APPROVAL OF THIS WAIVER SO  
15                 THAT WE CAN CONTINUE TO RECYCLE JUNKED AND ABANDONED  
16                 CARS. THANK YOU VERY MUCH.

17                 BOARD MEMBER ARAKALIAN: MY STATEMENT IN THE  
18                 BEGINNING HASN'T CHANGED AT ALL. HOPE LES DOESN'T GET  
19                 MAD BECAUSE I'M TOO EARLY.

20                 BUT I WOULD RATHER YOU HADN'T EVEN  
21                 MENTIONED THE LAST PART OF YOUR LITTLE STATEMENT BECAUSE  
22                 I WOULD NOT WANT THE ECONOMICS OF IT TO SWAY OUR OPINION.  
23                 I LIKE THE IDEA OF TRYING TO USE SHREDDED WASTE FOR AN  
24                 ALTERNATIVE USE IN ORDER TO HELP THE PROGRAM; BUT TO USE  
25                 ECONOMICS AS A REASON ISN'T GOOD, ONLY BECAUSE I FEEL, AS



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*

1 A MEMBER OF THIS BOARD AND THE JOB OF OUR BOARD, IS TO DO  
2 THOSE THINGS NECESSARY TO PROTECT THE PUBLIC OF  
3 CALIFORNIA AS OPPOSED TO THE INVESTERS IN CALIFORNIA.

4 NOT THAT I HAVE ANYTHING AGAINST INVESTERS.  
5 I'M ON YOUR SIDE OF THE FENCE PERSONALLY. I'M A  
6 BUSINESSPERSON. BUT WE CAN'T LET THE FACT THAT IT'S  
7 ECONOMICALLY MORE SOUND FOR AN INDUSTRY TO DO SOMETHING  
8 SWAY OUR JUDGMENT IN SOMETHING BEING SAFE AND CLEAN  
9 BECAUSE THAT SHOULD HAVE PARAMOUNT, YOU KNOW, REASON.

10 AND AS I SAY, THERE'S NOTHING WRONG WITH  
11 WHAT YOU'RE SAYING IT. WE ALL KNOW THIS, BUT I DON'T  
12 WANT IT TO BE A SWAYING FACTOR. LET IT STAND ON ITS OWN  
13 TWO FEET, AND, HOPEFULLY, BECOME A FEASIBLE WAY OF DOING  
14 IT RATHER THAN A WAY TO DO IT TO SAVE AN INDUSTRY, AS  
15 MUCH AS I LIKE TO SEE THEM SAVED.

16 CHAIRMAN GALLAGHER: MR. BROWN.

17 BOARD MEMBER BROWN: MR. MADDEN, I WAS JUST  
18 CURIOUS. YOU SPOKE ABOUT A CERTAIN PERCENTAGE OF AN AUTO  
19 BODY THAT BECOMES THIS FLUFF MATERIAL. WHAT IS THAT  
20 PERCENTAGE?

21 MR. MADDEN: WELL, I WOULD ESTIMATE IT ABOUT 20  
22 PERCENT.

23 BOARD MEMBER BROWN: WOULD THAT -- SO,  
24 THEREFORE, 20 PERCENT OF AN AUTO BODY WOULD END UP AT THE  
25 LANDFILL AS A CO-MIXTURE FOR COVER.

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*Harristers'*  
*reporting service*

1 MR. MADDEN: YEAH, AT THIS MOMENT I WOULD SAY  
2 ABOUT 80 PERCENT OF A CAR IS RECYCLABLE METALS OF ONE  
3 VARIETY OR ANOTHER.

4 BOARD MEMBER BROWN: AS THE MARKETS FOR THOSE  
5 RECYCLABLES CHANGE, DOES THE FLOW OF YOUR MATERIAL  
6 CHANGE, THEN, INTO THE LANDFILL? WOULD IT GO UP TO 30,  
7 40, 50 PERCENT COMING TO THE LANDFILL, AND WOULD THE  
8 POSSIBILITY OF TOXICITY BEGIN TO RISE, THEN, BECAUSE OF  
9 THAT?

10 MR. MADDEN: WITH ALL DUE RESPECT, I'M NOT SURE  
11 I UNDERSTAND YOUR QUESTION. ARE YOU SAYING AS THE  
12 PERCENTAGE OF A CAR THAT IS NOT METAL?

13 BOARD MEMBER BROWN: NO. LET ME SEE. I'LL TRY  
14 AGAIN BECAUSE I'M NOT SURE WHAT I'M ASKING EITHER. BUT  
15 IF 20 PERCENT IS CONSIDERED NONHAZARDOUS NOW THROUGH A  
16 TREATMENT PROCESS, IF THE RECYCLED PORTION OF THE CAR  
17 BECAME LESS AND LESS DESIRABLE ON THE ECONOMIC MARKET, SO  
18 YOU BEGAN TO COME TO THE LANDFILL WITH MORE FLUFF, WILL  
19 THE --

20 MR. MADDEN: OH, NO. WE WOULDN'T BE COMING WITH  
21 ANY MORE FLUFF FROM THAT PERSPECTIVE. I MEAN, A CAR  
22 COMES INTO A SHREDDER, AND A SHREDDER LITERALLY CRUSHES  
23 IT UP AND MAKES IT INTO PIECES NO BIGGER THAN THIS  
24 (INDICATING). THROUGH A SERIES OF MAGNETS AND SOME OTHER  
25 PROCESSES, ALL THE METALS ARE LITERALLY SORTED INTO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 VARIOUS CATEGORIES. AND LITERALLY WHAT'S LEFT IS THE  
2 UPHOLSTERY AND THE PLASTIC AND THE RUBBER AND SOME OF  
3 THE -- LITERALLY THE ROAD DIRT. THAT IS FLUFF.

4 BOARD MEMBER BROWN: OKAY. I DIDN'T UNDERSTAND.

5 MR. MADDEN: IT'S LITERALLY NOT THE METAL OF THE  
6 CAR.

7 BOARD MEMBER ARAKALIAN: ACTUALLY, PLASTICS ARE  
8 BEGINNING TO BE A SIGNIFICANT FACTOR TO THE SHREDDER  
9 BECAUSE THE CARS ARE BEING MADE WITH MORE AND MORE  
10 PLASTIC, REPLACING MORE AND MORE METAL, SO PER CAR  
11 THEY'RE GETTING A SMALLER PERCENTAGE OF METAL ANYWAY,  
12 MAYBE NOT SIGNIFICANT YET, BUT IT'S GOING IN THAT  
13 DIRECTION, WOULDN'T YOU SAY, BEING IN THAT LINE OF WORK.

14 MR. MADDEN: WELL, I WOULD ALSO SAY THIS, THAT  
15 WE ARE ENDEAVORING, AS YOU MIGHT GUESS, IT WOULD BE  
16 WONDERFUL IF WE WERE ABLE TO RECYCLE YET THOSE PRODUCTS  
17 AS WELL; BUT, FRANKLY, THE MARKETS RIGHT NOW DON'T  
18 SUPPORT THE USE OF THAT KIND OF PLASTIC, FOR EXAMPLE, AS  
19 A MARKETABLE RECYCLABLE PRODUCT.

20 BOARD MEMBER CALLOWAY: MR. CHAIRMAN.

21 CHAIRMAN GALLAGHER: MR. CALLOWAY.

22 BOARD MEMBER CALLOWAY: MR. MADDEN, I'M NOT SURE  
23 I HEARD EXACTLY WHAT THE 20 PERCENT THAT YOU NOW SAY  
24 WOULD BE THE SHREDDER WASTE WOULD GO IN THE LANDFILL.  
25 WHAT PART OF THE AUTOMOBILE IS THAT?

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 MR. MADDEN: THAT'S THE UPHOLSTERY --

2 BOARD MEMBER CALLOWAY: THE UPHOLSTERY, THE  
3 PLASTICS.

4 MR. MADDEN: -- THE PLASTICS, LITERALLY THE ROAD  
5 DIRT THAT KIND OF ACCUMULATES, BELIEVE IT OR NOT, ON A  
6 CAR. IT'S, YOU KNOW, SOME OF THE RUBBER.

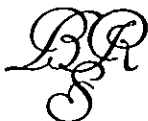
7 BOARD MEMBER CALLOWAY: THESE PLASTICS, NOW,  
8 THERE'S NO WAY THAT THEY WILL BE -- BREAK DOWN. THEY'RE  
9 THERE FOREVER LITERALLY. THERE'S NO WAY THAT -- THERE'S  
10 NOTHING HAPPENING IN THE INDUSTRY THAT WHERE THESE THINGS  
11 COULD BE MADE BIODEGRADABLE OR ANYTHING LIKE THAT?

12 MR. MADDEN: OH, YOU MEAN FROM THE CAR  
13 MANUFACTURER? QUITE FRANKLY, I HAPPENED TO BE DISCUSSING  
14 THIS WITH A REPRESENTATIVE OF A CHEMICAL COMPANY. AND  
15 THE ONLY THING THAT I LITERALLY KNOW OF THAT'S, QUOTE,  
16 BIODEGRADABLE THESE DAYS IN THE PLASTIC FIELD ARE, I  
17 GUESS, THE TOPS OF THE BEER CAN CARRIERS IS ONE PRODUCT  
18 THAT I KNOW IS GOING TO BIODEGRADABLE. I HAVE NOT HEARD  
19 SIMILAR TECHNOLOGY BEING APPLIED TO CAR PARTS.

20 BOARD MEMBER CALLOWAY: WELL, I THINK WHAT MR.  
21 ARAKALIAN SAID AWHILE AGO IS VERY IMPORTANT BECAUSE WE  
22 ARE GOING MORE AND MORE TO PLASTIC AUTOMOBILES EVERY DAY  
23 AND LESS AND LESS TO STEEL.

24 I DO HOPE AND PRAY THAT SOMEDAY THIS STATE  
25 WILL GET UP TO -- AND OUR LEGISLATORS WILL GET UP TO THE

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Harristers'*  
*reporting service*



1 20TH CENTURY AND GET A RECYCLING BILL PASSED THAT WHEN I  
2 OR ANYONE ELSE PURCHASE AN AUTOMOBILE IN THIS STATE, I  
3 WILL PAY \$25, \$100, OR WHATEVER IT IS TO -- WHICH WILL GO  
4 TO YOU OR WHOEVER IS RECYCLING THAT CAR. AND THEN WE  
5 WILL THEN BE ABLE TO CLEAN UP OUR STREETS AND GET AWAY  
6 FROM THESE ABANDONED VEHICLES AND SO FORTH. THIS HAS  
7 ALWAYS BEEN A PROBLEM, AND I COULD NEVER UNDERSTAND WHY  
8 THAT THIS STATE HASN'T REALLY DONE SOMETHING ABOUT IT.  
9 SOMEDAY WE'LL WAKE UP, I HOPE, AND DO SOMETHING ABOUT IT.

10 CHAIRMAN GALLAGHER: DO YOU HAVE ANY MORE  
11 INFORMATION THAT YOU WANT TO PRESENT, BERNIE?

12 MR. VLACH: NO, SIR. THERE'S -- THE STAFF'S  
13 REPORT IS COMPLETE. THERE IS A RECOMMENDATION OF THE  
14 STAFF; HOWEVER, THERE'S AN -- IF THE BOARD WOULD WISH TO  
15 HEAR FROM THE LEA WHO'S HERE TODAY, MR. JIM BLAKE FROM  
16 THE CONTRA COSTA COUNTY HEALTH DEPARTMENT, AND THERE'S  
17 ALSO A REPRESENTATIVE FROM THE SAN FRANCISCO REGIONAL  
18 BOARD THAT COULD GIVE MORE INFORMATION ON THE WATER  
19 QUALITY PROBLEMS OF THE SITE.

20 CHAIRMAN GALLAGHER: LET ME ASK OUR RECORDER,  
21 CAN YOU HANDLE THAT OR DO WE HAVE TO BREAK NOW? WE HAVE  
22 A PAPER PROBLEM IN THE RECORDER. OKAY.

23 LET'S GO AHEAD WITH THE ITEM THEN. CALL  
24 YOUR NEXT SPEAKER, BERNIE.

25 MR. VLACH: MR. JIM BLAKE OF THE COUNTY HEALTH



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

1 DEPARTMENT, THE CONTRA COSTA HEALTH DEPARTMENT. MR.  
2 BLAKE WOULD BE RESPONSIBLE FOR THE WEEKLY INSPECTIONS  
3 THAT WOULD BE REQUIRED AT THIS LANDFILL, AND HE WOULD BE  
4 IMPLEMENTING NEW TECHNIQUES, WHICH I'M NOT SURE HE'S DONE  
5 BEFORE; BUT HE HAS SAID HE'S EAGER TO START THE PROCESS.  
6 THAT WOULD BE THE USE OF THE PERFORMANCE STANDARDS TO  
7 EVALUATE THE PERFORMANCE OF THE DEMONSTRATION PROJECT.  
8 MR. BLAKE.

9 MR. BLAKE: MR. CHAIRMAN, MEMBERS OF THE BOARD,  
10 JIM BLAKE, CONTRA COSTA HEALTH SERVICES, REPRESENTING THE  
11 LEA.

12 WE ARE PREPARED AND AS OF THIS DATE WE HAVE  
13 HAD IN-HOUSE STAFF DISCUSSIONS ON THE THINGS WE WOULD DO  
14 TO MAKE SURE THAT ALL OF THE PERFORMANCE STANDARDS ARE  
15 ADHERED TO. WE HAVE DONE -- FOR A NUMBER OF YEARS WE  
16 HAVE BEEN DOING, FOR EXAMPLE, RAT SURVEYS, NOT ONLY AT  
17 THAT SITE, BUT AT OTHER SITES IN THE COUNTY. WE HAVE  
18 NEVER OBSERVED ANY PROBLEMS WITH RAT POPULATIONS IN THAT  
19 AREA.

20 WE ALSO WOULD BE PREPARED TO, ON EACH  
21 INSPECTION, IMMEDIATELY FORWARD A COPY OF OUR INSPECTION  
22 REPORT TO YOUR STAFF HERE IN SACRAMENTO.

23 DO YOU HAVE ANY QUESTIONS?

24 CHAIRMAN GALLAGHER: ANY QUESTIONS OF THE BOARD?

25 MR. BEAUTROW.

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Harristers'*  
*reporting service*

1 BOARD MEMBER BEAUTROW: IN THE BOARD PACKET ON  
2 PAGE 356, IT SAYS THAT THE OPERATOR WAS CITED FOR SIX  
3 VIOLATIONS OF COVER. AND THIS IS WHAT MAKES THIS ITEM  
4 REAL DIFFICULT. YOU KNOW, IF THIS WAS A CLEAN THING AND  
5 YOU WANTED TO DO THIS, THAT'S ONE THING; BUT HE OBVIOUSLY  
6 WAS USING SHREDDER WASTE FOR COVER MIXED WITH DIRT FOR  
7 COVER BEFORE THIS ITEM EVER CAME UP.

8 AND WHAT HAPPENED, HE WAS CAUGHT TWO TIMES  
9 AND THERE WAS -- ON TWO DIFFERENT DATES, BUT THERE WERE  
10 SIX VIOLATIONS. THAT INDICATES TO ME THERE'S PROBABLY A  
11 LOT OF OTHER TIMES THAT HE HASN'T BEEN CAUGHT. AND AS  
12 THE LEA, HOW LONG HAS THIS BEEN GOING ON? AND CAN YOU  
13 GIVE US SOME BACKGROUND ON WHAT YOUR VIEW OF THESE  
14 VIOLATIONS WERE, PLEASE?

15 MR. BLAKE: I WASN'T INVOLVED WITH THE LEA UNTIL  
16 APPROXIMATELY THE TIME THE FIRST INSPECTION YOU ARE  
17 REFERRING TO WAS CONDUCTED. SINCE THAT TIME, WE, AS THE  
18 LEA, HAVE MADE A NUMBER OF INSPECTIONS. MOST NORMALLY,  
19 WHEN WE INPSECT THE SITE, WE FIND COVER TO BE ADEQUATE.  
20 WE'VE ALSO NOTED SOME INSTANCES WHERE COVER WAS  
21 INADEQUATE; BUT, AGAIN, FOR THE MOST OF OUR INSPECTIONS,  
22 WE HAVE FOUND COVER TO BE ADEQUATE.

23 MR. FORSBERG: IF I COULD MAKE A CORRECTION, ON  
24 PAGE 356, IT READS, "THE OPERATOR WAS CITED FOR SIX  
25 VIOLATIONS OF STATE MINIMUM STANDARDS, INCLUDING TWO

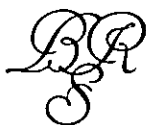
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*Harristers'*  
*reporting service*

1 VIOLATIONS THAT HAVE TO DO WITH COVER, AVAILABILITY OF  
2 COVER AND COVER," SO THAT WAS SIX TOTAL VIOLATIONS, TWO  
3 OF THE SIX WERE ASSOCIATED WITH COVER.

4 CHAIRMAN GALLAGHER: MR. BROWN.

5 BOARD MEMBER BROWN: IF I MAY PICK UP ON PHIL'S  
6 QUESTION BECAUSE I THINK THAT'S A GOOD POINT, PHIL, THAT  
7 THIS SUBJECT IS MADE DIFFICULT BECAUSE OF THESE  
8 VIOLATIONS. AND IT'S DIFFICULT FOR ME, KNOWING THAT THIS  
9 COMBINING OF SOIL AND THE FLUFF HAS BEEN IN EXISTENCE FOR  
10 SOME TIME AND GARNERING CITATIONS ALONG THE WAY. WHAT  
11 ARE WE GOING TO LEARN FROM A TEST NOW THAT MAYBE WE DON'T  
12 ALREADY KNOW?

13 AND LET ME ALSO SAY THAT I, ALONG WITH THE  
14 REST OF THE BOARD MEMBERS, I'M SURE, ARE ANXIOUS TO BE  
15 HELPFUL IN JUST SUCH EXPERIMENTS AND JUST SUCH TRIALS IN  
16 ORDER TO BROADEN OUR EXPERIENCE AND BROADEN OUR  
17 CAPABILITIES IN THIS STATE. BUT I'M A LITTLE CONCERNED  
18 ABOUT WHY IT'S GOING TO WORK AND THEN -- OR WHY WE SHOULD  
19 EXPERIMENT WITH SOMETHING THAT'S POSSIBLY NOT WORKED  
20 ALREADY.

21 MR. BLAKE: I CAN UNDERSTAND YOUR CONCERN. I  
22 THINK PROBABLY ONE ANSWER TO YOUR CONCERN IS THAT THIS  
23 WOULD RESULT IN A SIGNIFICANTLY INCREASED FREQUENCY OF  
24 INSPECTION AND A SIGNIFICANT INCREASE IN THE NUMBER OF  
25 INSPECTION REPORTS SUBMITTED TO YOUR STAFF HERE FOR

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 REVIEW AND EVALUATION.

2 BOARD MEMBER BROWN: OKAY.

3 MR. BLAKE: THAT'S SOME ANSWER TO YOUR QUESTION.

4 CHAIRMAN GALLAGHER: MS. BREMBERG.

5 BOARD MEMBER BREMBERG: MR. CHAIRMAN. SIR, ARE  
6 YOU OR IS THE COUNTY ANTICIPATING HIRING AN ADDITIONAL  
7 INSPECTOR; AND, IF NOT, WHAT WILL BE OVERLOOKED OR WHAT  
8 OTHER INSPECTIONS WILL BE DECREASED IN ORDER TO DO THE  
9 INCREDIBLE INCREASE REQUIRED UNDER THESE CONDITIONS?

10 MR. BLAKE: WELL, I WOULDN'T REALLY CLASS IT AS  
11 INCREDIBLE. IT WILL TAKE SOME ADDITIONAL PRIORITIZING OF  
12 MY WORK AND THE WORK OF A COUPLE OF OTHER PEOPLE ON OUR  
13 STAFF. BUT, AGAIN, WE'VE ALREADY DISCUSSED THIS, AND WE  
14 FEEL THAT WE CAN HANDLE THIS WITH MINIMAL INTERRUPTION OF  
15 THE OTHER THINGS WE DO.

16 CHAIRMAN GALLAGHER: ARE YOU SATISFIED, MS.  
17 BREMBERG? HE'S ANSWERING YOUR QUESTION.

18 BOARD MEMBER BREMBERG: YES, I KNOW HE IS. HE  
19 SAYS THEY'RE GOING TO WORK HARDER. I'M SURE THAT THE  
20 BOARD OF SUPERVISORS WILL BE PLEASED.

21 MR. BLAKE: I HOPE SO.

22 CHAIRMAN GALLAGHER: BERNIE, DO YOU HAVE ANY  
23 MORE?

24 MR. VLACH: MS. BETH LEVINE HAS DRIVEN ALL THE  
25 WAY UP HERE FROM SAN FRANCISCO; AND AT YOUR PLEASURE, SHE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 WOULD BE AVAILABLE TO ANSWER ANY QUESTIONS ABOUT THE  
2 WATER QUALITY PROBLEMS OUT THERE AND HOW THEY MIGHT  
3 PERCEIVE THIS EXPERIMENTATION WITH RESPECT TO THAT.

4 CHAIRMAN GALLAGHER: IF OUR RECORDER CAN HOLD  
5 OUT, WE CAN HOLD OUT. AND WE WANT TO COMPLETE THIS ITEM  
6 AND MOVE ALONG TO ANOTHER ONE. SO WILL THE PERSON COME  
7 FORWARD, PLEASE. I'M SORRY. I DID NOT GET YOUR NAME,  
8 AND YOU WILL HAVE TO INTRODUCE YOURSELF SO OUR RECORDER  
9 CAN RECORD IT.

10 MS. LEVINE: I'M BETH LEVINE WITH THE SAN  
11 FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD. AND I'M  
12 HERE TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE ABOUT  
13 THE GROUND WATER CONTAMINATION AT THE SITE.

14 CHAIRMAN GALLAGHER: ANY QUESTIONS OF MS.  
15 LEVINE?

16 BOARD MEMBER BREMBERG: I THOUGHT I MADE IT  
17 PERFECTLY CLEAR THAT I WANTED YOU TO BE PREPARED TO  
18 ANSWER MINE.

19 MS. LEVINE: WELL, SPECIFICALLY WHAT LARRY BURCH  
20 HAS ALREADY MENTIONED ABOUT THERE WAS DOCUMENTED GROUND  
21 WATER CONTAMINATION AT THE PERIMETER OF THE CLASS II  
22 SITE, WHICH WAS DOCUMENTED IN THEIR SWAT TESTING PROGRAM.  
23 AND THE CONSTITUENTS THAT WERE FOUND IN THAT PROGRAM WERE  
24 SIMILAR TO WHAT WAS FOUND IN THE CONTAMINATION CLOSER TO  
25 THE CLASS I SITE, WHICH WAS FROM THE CLASS I AREA. AND

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*Harristers'*  
*reporting service*

1 THEY'VE ALSO, SUBSEQUENTLY, DEFINED THE EXTENT OF  
2 CONTAMINATION FROM THE CLASS II SITE INTO THE MARSHLAND  
3 AND HAVE PROPOSED TO DO REMEDIAL INVESTIGATION THIS YEAR  
4 OR TO INSTALL A SLURRY WALL.

5 BOARD MEMBER BREMBERG: THIS RELATES TO THIS  
6 ISSUE, SORT OF, AND IT DOESN'T, BUT I'D LIKE TO HEAR YOUR  
7 ANSWER. IF YOU WERE ASKED TO PERMIT THIS PARTICULAR  
8 LANDFILL IN A GRAVEL PIT INSTEAD OF A MARSHLAND, WOULD  
9 YOU USE THE SAME CRITERIA?

10 MS. LEVINE: SPECIFICALLY WITH THE USE OF  
11 SHREDDER WASTE AS COVER OR THE LANDFILL IN GENERAL?

12 BOARD MEMBER BREMBERG: WELL, (A) THE LANDFILL  
13 IN GENERAL, AND (B) THE SHREDDER WASTE.

14 MS. LEVINE: WELL, I THINK THAT IN OUR REGION  
15 THE SITE HAS -- IS OF SIGNIFICANT CONCERN BECAUSE IT IS  
16 RIGHT ON THE BAY, AND THERE ARE DOCUMENTED CHANNELS OF  
17 SAND WHICH CAN LEND THE GROUND WATER CONTAMINATION TO THE  
18 BAY. AND SO IN TERMS OF OUR -- WE DON'T HAVE GRAVEL IN  
19 THE BAY AREA NECESSARILY FOR SITES. IT'S A SITE OF  
20 SIGNIFICANT CONCERN. AND I'M SURE ANOTHER REGION THAT  
21 HAD LANDFILLS THAT WERE UNDERLAIN BY GRAVEL, IT WOULD BE  
22 A SIMILAR CASE.

23 BOARD MEMBER BREMBERG: THAT'S WHY I ASKED  
24 BECAUSE I THINK THAT IT'S VERY PECULIAR THAT OUR  
25 MUNICIPAL -- FOUR OF OUR MUNICIPAL WELLS WERE CLOSED BY

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

*Barristers'*  
*reporting service*

1 THE WATER BOARD BECAUSE THEY HAD 14 PARTS PER MILLION OF  
2 TCE'S, AND YET YOU WILL SITE A LANDFILL, THAT'S A CLASS I  
3 LANDFILL, ON MARSHLANDS AND TIDELANDS. IT SEEMS A  
4 LITTLE -- YOU GET AWFUL PICKY ON SOME THINGS AND ALLOW A  
5 WHOLE BUNCH OF OTHER THINGS.

6 I THINK THIS PROBABLY IS ONE OF THE MOST  
7 DANGEROUS TYPES OF UNDERLYING LAND IN THE WORLD FOR A  
8 LANDFILL. IN A CLASS I OR TREATED OR JUST HOUSEHOLD, I  
9 THINK IT'S PERFECTLY AWFUL. AND I DON'T -- I JUST DON'T  
10 UNDERSTAND THE DICOTOMY IN YOUR THINKING FROM IT'S OKAY  
11 IN SAN FRANCISCO, BUT IT'S NOT OKAY IN L.A., OR IT'S OKAY  
12 IN CONTRA COSTA COUNTY, BUT IT'S NOT OKAY FOR -- IN OTHER  
13 AREAS.

14 AND I REALIZE THIS IS THE ONLY ONE IN  
15 CONTRA COSTA COUNTY THEY'VE GOT GOING AND THEY'RE IN DEEP  
16 TROUBLE AS IT IS; BUT, BOY, I REALLY THINK THAT THIS IS  
17 KIND OF A PROSTITUTION OF YOUR PRINCIPLES AND STANDARDS.

18 MS. LEVINE: THE SITE BEGAN OPERATION IN THE  
19 1950S, AND WHAT WE'RE DOING NOW IS UNDERGOING WHAT -- THE  
20 CLOSURE FOR THE CLASS I SITE. AND AS LARRY BURCH  
21 MENTIONED, THEY'VE INSTALLED A SLURRY WALL TO PREVENT  
22 HORIZONTAL CONTAMINATION -- FURTHER HORIZONTAL  
23 CONTAMINATION FROM THE CLASS I SITE. AND WE'RE LOOKING  
24 AT THE POTENTIAL, IF THERE IS VERTICAL CONTAMINATION, AND  
25 REQUIRING THEM TO INSTALL LEACHATE COLLECTION SYSTEM



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*



1        WITHIN THE CLASS 1 SITE AND PUT IN ADEQUATE COVER TO  
2        BASICALLY CONTAIN THE SITE BECAUSE IT'S THERE ALREADY AS  
3        THE STATE OF THE ART OF TECHNOLOGY CAN MASTER AT THAT  
4        SITE.

5                MR. VLACH:   MR. CHAIRMAN.

6                CHAIRMAN GALLAGHER:   BERNIE.

7                MR. VLACH:   MR. CHAIRMAN, THE STAFF HAS NO  
8        FURTHER REPORT TO MAKE.   I THINK ALL THE REPRESENTATIVES  
9        FROM THE PUBLIC AND FROM THE REGULATORY AGENCIES HAVE  
10       MADE THEIR POINTS, AND THE STAFF WOULD LIKE THE --

11               BOARD MEMBER CALLOWAY:   MR. CHAIRMAN, BEFORE YOU  
12       DO THAT, I HAVE A QUESTION OF THIS LADY IF MRS. BREMBERG  
13       IS THROUGH.

14               HOW OFTEN DOES WATER QUALITY INSPECT THIS  
15       THING?

16               MS. LEVINE:   WE HAVE TWO PEOPLE WORKING ON THE  
17       SITE, AND WE CAN GET OUT THERE MAYBE ONCE EVERY THREE  
18       MONTHS.   AND THE LOCAL DEPARTMENT OF HEALTH SERVICES ALSO  
19       GOES OUT, PARTICULARLY LATELY, REGARDING THE CLOSURE OF  
20       THE CLASS 1.   SOMEBODY CAN BE OUT THERE --

21               BOARD MEMBER CALLOWAY:   EXPLAIN TO ME ABOUT THE  
22       TWO PEOPLE THAT ARE ON THE SITE.   YOU SAY, THEY'RE  
23       ASSIGNED TO THE SITE?

24               MS. LEVINE:   RIGHT.   ONE IS MYSELF, AND I'M THE  
25       ENGINEER ON THE SITE, AND THERE'S A GEOLOGIST WHO ALSO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES   ORANGE COUNTY   SAN DIEGO  
213-622-8511   714-953-4447   619-455-1997



*barristers'*  
*reporting service*

1 WORKS ON THE SITE.

2 BOARD MEMBER CALLOWAY: OKAY. AND HAVE YOU EVER  
3 CITED THIS OPERATOR FOR ANY VIOLATIONS, WATER QUALITY  
4 VIOLATIONS?

5 MS. LEVINE: HOW -- THEY RECEIVED LAST YEAR  
6 WASTE DISCHARGE REQUIREMENTS, WHICH BASICALLY DOCUMENT  
7 HOW THEY ARE OUT OF COMPLIANCE WITH THE SUBCHAPTER 15  
8 LAND DISPOSAL REGULATIONS. AND BECAUSE THEY'RE NOW OUT  
9 OF COMPLIANCE WITH THE CURRENT SUBCHAPTER 15 REGULATIONS,  
10 WHICH WERE ADOPTED IN 1984, THEY'RE DOING INVESTIGATIONS  
11 AND TO STUDY AND TO ACTUALLY IMPLEMENT WAYS TO COME INTO  
12 COMPLIANCE WITH THOSE REGULATIONS. SO IN THAT ORDER,  
13 IT'S DOCUMENTED, THE WAYS OF WHICH THEY'RE NOT IN  
14 COMPLIANCE.

15 BOARD MEMBER CALLOWAY: I'M KIND OF WITH MRS.  
16 BREMBERG ON -- MY CONCERN HERE IS THAT THIS IS A CLASS II  
17 LANDFILL IN A BAY, MARSHES. AND WATER QUALITY, CORPS OF  
18 ENGINEERS, AND EVERYBODY ELSE HAD ANYTHING TO DO WITH IT,  
19 CHASED THE CLASS III LANDFILL OPERATORS OUT OF THE BAY,  
20 OUT OF THE MARSHES, AND YET WE HAVE A CLASS I HAZARDOUS  
21 SITE HERE THAT SEEMS TO BE DOING VERY WELL.

22 MS. LEVINE: THE CLASS I NO LONGER ACCEPTS  
23 WASTE. IT CLOSED, I THINK, IN 1985.

24 BOARD MEMBER CALLOWAY: I UNDERSTAND, BUT THIS  
25 IS ADJACENT TO IT, RIGHT?



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES	ORANGE COUNTY	SAN DIEGO
213-622-8511	714-953-4447	619-455-1997

*Barristers'*  
*reporting service*

1 MS. LEVINE: RIGHT. AND BECAUSE THEY'RE  
2 PREDICTED TO CLOSE IN 1992, THAT'S -- AND THEY DO HAVE  
3 WETLANDS THAT -- SURROUNDING THEIR SITE THAT POSSIBLY  
4 THEY'LL PROPOSE TO FILL ALSO, AND I THINK IT'S THE  
5 REGIONAL BOARD'S OPINION THAT WE WON'T ALLOW FURTHER  
6 EXPANSION OF THIS PARTICULAR LANDFILL INTO THE WETLANDS  
7 ADJOINING THEIR PROPERTY NOW.

8 AND THE WASTE DISCHARGE REQUIREMENTS  
9 REQUIRED THAT -- CLASSIFIED AS A CLASS II LANDFILL,  
10 BECAUSE HISTORICALLY THEY ACCEPTED BOTH CLASS I WASTE AND  
11 CLASS II AND III IN THE CLASS II PORTION; BUT AS OF LAST  
12 YEAR, THEY CAN ONLY ACCEPT CLASS III WASTE. SO THEY ARE  
13 NOT ALLOWED TO TAKE CLASS II WASTE ANYMORE.

14 BOARD MEMBER CALLOWAY: OKAY. THANKS.

15 CHAIRMAN GALLAGHER: YES, MR. ARAKALIAN.

16 BOARD MEMBER ARAKALIAN: I'D LIKE TO MAKE A  
17 MOTION AT THIS TIME, BUT I'D LIKE TO PREFACE IT WITH A  
18 LITTLE STATEMENT, IF I MAY.

19 CHAIRMAN GALLAGHER: YOU MAY.

20 BOARD MEMBER ARAKALIAN: THE STATEMENT BEING  
21 THAT WE'RE GETTING ON TWO DIFFERENT ISSUES FOR A MOMENT.  
22 THE ISSUE HERE IN FRONT OF US IS WHETHER OR NOT WE WANT  
23 TO ALLOW THEM TO USE THE SHREDDER WASTE WITH DIRT TO USE  
24 FOR A COVER.

25 NOW, I PROBABLY VERY MUCH AM IN AGREEMENT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*Barristers'*  
*reporting service*

1 WITH GINGER AND OTHERS HERE CONCERNING THE SITE ITSELF  
2 AND THE WATER PROBLEMS THEY MAY HAVE BEING ON THE OCEAN  
3 LIKE THIS. I DON'T PARTICULARLY THINK IT'S ADMIRABLE,  
4 BUT I THINK THAT'S ANOTHER SITUATION AND ANOTHER ISSUE,  
5 SHOULD WE OR SHOULDN'T WE ALLOW THEM TO CONTINUE BEING A  
6 LANDFILL.

7 BUT THEIR BEING A LANDFILL AND CONTINUING  
8 TO BE A LANDFILL IS NOT GOING TO BE CARRIED ON, NOR  
9 STOPPED BY THIS DECISION. THAT'S ANOTHER DECISION. SO  
10 HOW BAD THEIR LANDFILL IS AT THE MOMENT DOESN'T CONCERN  
11 ME. IT CONCERNS ME, BUT NOT CONCERNING THIS PARTICULAR  
12 ISSUE.

13 THIS ISSUE IS ON THE SHREDDER WASTE BEING  
14 USED FOR COVER MIXED WITH THE DIRT. AND I THINK THE  
15 COMMENDABLE PART OF THAT IS, IF IT WERE TO WORK WELL, IT  
16 WOULD GIVE US AN ALTERNATIVE FOR SHREDDER WASTE. AND I  
17 JUST DON'T LIKE TURNING THIS DOWN BECAUSE THE OTHER  
18 SITUATION IS NO GOOD. THE OTHER SITUATION MAY BE TAKEN  
19 UP ON ITS OWN, OR WHATEVER IS DONE IN A THING LIKE THIS.  
20 AND WHATEVER PROBLEMS THEY'VE HAD SINCE 1950S OR WHATEVER  
21 IN CONTAMINATING THEIR WATER AND THEIR GROUND IS NOT  
22 GOING TO BE, IN ANY WAY, AFFECTED BY THIS DECISION. AND  
23 I JUST FEEL THAT WE SHOULD NOT MIX APPLES WITH ORANGES,  
24 WHATEVER.

25 AND I'D LIKE TO, WITH THAT LITTLE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 STATEMENT, MAKE A MOTION THAT WE APPROVE RESOLUTION 89-19  
2 SINCE IT HAS NOTHING TO DO WITH THE REST OF THE LANDFILL.

3 BOARD MEMBER BROWN: SECOND.

4 CHAIRMAN GALLAGHER: WE HAVE A MOTION MOVED AND  
5 SECONDED THAT WE APPROVE THIS WAIVER. IS THERE ANY  
6 FURTHER DISCUSSION, AND DO YOU WISH TO MAKE ANOTHER  
7 STATEMENT, MR. BURCH, BEFORE WE TAKE THE VOTE?

8 MR. BURCH: THE ONLY STATEMENT I WOULD MAKE IS  
9 IF YOU WOULD LIKE TO INVITE ME BACK TO ANOTHER MEETING, I  
10 COULD DESCRIBE THE ENVIRONMENTAL SIDES OF THIS LANDFILL.  
11 IT'S NOT THE HORROR STORY THAT YOU MIGHT THINK IT IS JUST  
12 FROM THE COMMENTS MADE TODAY. BUT WE WOULD BE GLAD TO  
13 COME BACK AND MAKE SUCH INFORMATION AVAILABLE.

14 CHAIRMAN GALLAGHER: THANK YOU.

15 BOARD MEMBER CALLOWAY: MR. CHAIRMAN, ON THE --

16 CHAIRMAN GALLAGHER: MR. BEAUTROW.

17 BOARD MEMBER BEAUTROW: I CAN'T SUPPORT THE  
18 MOTION BECAUSE I'M ALL FOR INNOVATIVE METHODS. I  
19 WOULDN'T OPPOSE USING THIS MATERIAL. IT IS KIND OF WHAT  
20 YOU SAY THE GRAY AREA, SPECIAL WASTE, AND THERE'S OTHER  
21 MATERIALS THAT THE SANIFOAM. THERE'S -- PEOPLE TALKED  
22 ABOUT USING SHREDDED BRUSH MIXED WITH COVER AND  
23 EVERYTHING. BUT DUE TO THE PAST HISTORY OF THIS SITE AND  
24 THE CONCERNS, I WOULD FIND IT VERY DIFFICULT TO SORT JUST  
25 WHAT IS HAPPENING OUT HERE. I JUST DON'T FEEL THAT THIS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 IS THE APPROPRIATE PLACE TO DEAL WITH IT.

2 I'M SYMPATHETIC ABOUT THE DISPOSAL OF  
3 SHREDDER WASTE. IT'S A NEEDED THING THAT HAS TO BE DEALT  
4 WITH. AND I KNOW THAT -- I FORGOT WHO INTRODUCED THE  
5 BILL -- BUT THE ONE, BERGESON, YEAH -- BUT THERE'S NOT  
6 VERY MANY SITES THAT ARE ACTUALLY TAKING THIS STUFF AND  
7 IT'S GOING TO ARIZONA. I KNOW ALL ABOUT THAT. I JUST  
8 FEEL THIS IS THE WRONG PLACE TO DO IT, AND I'M OPPOSED TO  
9 IT.

10 CHAIRMAN GALLAGHER: MR. CALLOWAY.

11 BOARD MEMBER CALLOWAY: MR. CHAIRMAN, JUST ONE  
12 MORE SHORT QUESTION TO OUR STAFF.

13 HOW OFTEN WOULD OUR STAFF INSPECT THIS  
14 SITE?

15 MR. VLACH: MR. CALLOWAY, WE CURRENTLY HAVE  
16 COMPLETED OUR CYCLE OF PRESLEY INSPECTIONS OUT THERE, AND  
17 WE HAVE NO SPECIAL REQUIREMENT TO INSPECT OUT THERE AGAIN  
18 UNTIL PERHAPS SIX MONTHS FROM NOW. WE WOULD CERTAINLY,  
19 BECAUSE OF THE SENSITIVITY OF THIS, THOUGH, BE EVALUATING  
20 THE LEA'S REPORTS AND STAYING IN CLOSE TOUCH WITH THE LEA  
21 IN MAKING PERIODIC VISITS OUT THERE.

22 BOARD MEMBER CALLOWAY: THE REASON I ASK THE  
23 QUESTION IS OBVIOUS. THE LEA HERE, WE'VE BEEN  
24 QUESTIONING, HAS HAD SOME PROBLEMS HERE IN THE PAST AND  
25 SO FORTH. AND MAYBE THEY'RE OVERWORKED AND MAYBE THEY'RE

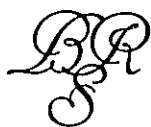
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

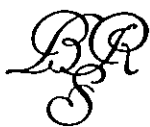
1 NOT GOING TO BE ABLE TO GET OUT THERE AS OFTEN AS THEY  
2 PROBABLY WOULD LIKE TO. I'M VERY SYMPATHETIC TO THIS  
3 THING.

4 THIS SHREDDER WASTE IS A BIG DISPOSAL  
5 PROBLEM. AND I COMMEND THESE PEOPLE WHO ARE INNOVATIVE  
6 AND WANT TO DO SOMETHING ABOUT IT, AND I CERTAINLY WANT  
7 TO BE SUPPORTIVE AND BE SYMPATHETIC TO IT. BUT I JUST  
8 HAVE TO BE VERY, VERY CAREFUL ABOUT THE ENVIRONMENT HERE,  
9 THAT I THINK WE ARE ALL CONCERNED WITH. I MEAN, I FOR  
10 THIRTY YEARS HAVE HEARD NOTHING BUT -- FROM WATER QUALITY  
11 CONTROL HOW HORRIBLE AND WHAT AN AWFUL JOB WE WERE DOING  
12 IN POLLUTING THE BAY WITH -- JOHN MOSCONE KNOWS THIS --  
13 FOR YEARS AND YEARS WITH THE GARBAGE FROM ALL THE BAY  
14 AREA AND EVERYTHING. AND WE'VE HEARD ALL OF THESE  
15 HORRIBLE STORIES. AND NOW WE TALK ABOUT SOMETHING ELSE  
16 HERE THAT COULD BE EQUALLY AS BAD; AND, OBVIOUSLY, I'M  
17 VERY CONCERNED.

18 IF I KNEW THAT OUR STAFF WAS GOING TO BE  
19 OUT THERE ON A REGULAR BASIS, ONCE A MONTH OR SOMETHING  
20 LIKE THIS, I COULD PROBABLY SUPPORT THIS, BUT I'M NOT  
21 SURE I CAN SUPPORT IT UNLESS I CAN BE ASSURED THAT OUR  
22 STAFF -- AND I'M NOT TALKING ABOUT THE LEA. I'M TALKING  
23 ABOUT OUR OWN STAFF OUT THERE.

24 BOARD MEMBER ARAKALIAN: MR. CHAIRMAN.

25 BOARD MEMBER CALLOWAY: EXCUSE ME, MR. CHAIRMAN,



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 JUST LET ME GET AN ANSWER IF I CAN.

2 BOARD MEMBER ARAKALIAN: I'M SORRY, I THOUGHT  
3 YOU WERE DONE.

4 BOARD MEMBER CALLOWAY: NO. NO, I'M TRYING TO  
5 GET A ANSWER, SAM.

6 BOARD MEMBER ARAKALIAN: OH, OKAY. I JUST  
7 THOUGHT YOU WERE DONE.

8 MR. VLACH: MR. CALLOWAY, IF IT'S YOUR DESIRE  
9 THAT THE STAFF WOULD MAKE FREQUENT, AT LEAST MONTHLY,  
10 VISITS TO THE SITE, THEN WE'LL DO THAT.

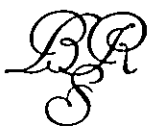
11 BOARD MEMBER CALLOWAY: THAT'S FINE. THANK YOU.

12 BOARD MEMBER MOSCONE: MAY I ASK WHAT THOSE  
13 VISITS TO THE SITE WOULD INCLUDE? IS IT TO CHECK THE  
14 SHREDDER WASTE THING OR IS IT A COMPLETE -- A COMPLETE  
15 VISIT OF THE WHOLE SITE?

16 MR. VLACH: WE LIKE TO MAXIMIZE THE USE OF OUR  
17 TIME, AND WE WOULD BE LOOKING INTO NOT ONLY -- IT'S A  
18 STANDARD PROCEDURE WHEN WE GO ON SITE TO LOOK AT  
19 EVERYTHING.

20 BOARD MEMBER MOSCONE: AS YOU MENTIONED EARLIER,  
21 YOUR INSPECTIONS FOR A GOOD PERIOD OF TIME ARE OVER AS  
22 FAR AS THIS SITE IS CONCERNED.

23 MR. VLACH: MR. MOSCONE, THE NEXT CYCLE BEGINS  
24 ON JULY 1ST FOR THE PRESLEY INSPECTIONS, AND WE COULD GO  
25 OUT THERE AS EARLY AS NEXT JULY AND DO ANOTHER SERIES OF



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Harristers'*  
*reporting service*



1 PRESLEY INSPECTIONS.

2 BOARD MEMBER ARAKALIAN: MR. CHAIRMAN.

3 CHAIRMAN GALLAGHER: YES, MR. ARAKALIAN.

4 BOARD MEMBER ARAKALIAN: I'D LIKE TO MAKE A  
5 CHANGE TO MY MOTION. I'D LIKE TO MAKE IT CONTINGENT UPON  
6 ONE TINY CHANGE IN G ON PAGE 359 AT THE VERY BOTTOM WHERE  
7 IT SAYS, "INTEGRITY OF THE DEMONSTRATION OR OF THE  
8 LANDFILL ITSELF, THE PROJECT SHALL BE TERMINATED." I'D  
9 LIKE TO ADD THE WORD "IMMEDIATELY," SO THE TERMINATION  
10 DOESN'T DRAG ON, AND THAT WOULD BE MY ONLY CHANGE THERE.

11 AND AS ANOTHER STATEMENT, I'D LIKE TO SAY  
12 THAT I'M JUST HEARING ONE MORE PLUS ON THE SIDE OF THIS.  
13 WERE THIS NOT TO TAKE PLACE, THEY ARE GOING TO BE  
14 MONITORED, AS IN THE PAST, WITH THEIR LANDFILL AND EVERY  
15 OTHER ONE, EVERY NOW AND THEN, WHICH IS FAR APART. AT  
16 LEAST MAYBE BECAUSE OF THIS, WHICH ISN'T, I DON'T THINK,  
17 CAUSING THE OTHER PROBLEMS OF LEACHATE, GOING TO STRADDLE  
18 THEM OR BRIDLE THEM OR HARNESS THEM, IF YOU WILL, WITH  
19 MORE INSPECTIONS THAN THEY NORMALLY WOULD HAVE, AND MAYBE  
20 BECAUSE OF THIS, OTHER PROBLEMS THEY HAVE MAY BE HELPED  
21 ALONG AND MONITORED.

22 AND AS FAR AS THE LEACHATE FROM SHREDDER  
23 WASTE THAT'S BEEN TREATED, I KNOW THAT QUITE AWHILE BACK,  
24 WHEN THIS TREATMENT WAS BEING SCRUTINIZED, ONE OF THE  
25 MEMBERS OF HEALTH SERVICES, WHO I THINK HIGHLY OF, WHO IS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers'*  
*reporting service*

1 NO LONGER WITH HEALTH SERVICES, TOLD ME THAT IT WAS  
2 PRETTY SAFE, THAT IT DOESN'T LEACHATE ANYMORE. THAT  
3 STATEMENT, SOME GENTLEMEN MADE, I CAN'T REMEMBER WHICH  
4 ONE IT WAS, MADE IT WAS VALID. AND I THINK, IF I'M NOT  
5 MISTAKEN, THAT WAS THAT DAVID LU THAT MENTIONED THAT HE  
6 HAD BEEN INSTRUMENTAL WITH THAT.

7 AND SO I FEEL PRETTY COMFORTABLE THAT IF  
8 THEY HAVE A LEACHATE PROBLEM, I HOPE IT GETS LESSENER;  
9 BUT I DON'T THINK IT'S GOING TO BE AGGRAVATED BY ANY  
10 MEANS BY THIS PARTICULAR PROCESS. AND THAT'S THE POINT  
11 THAT'S BOTHERING ME IS THAT OUR VOTE NOT BE SWAYED BY  
12 OTHER SITUATIONS AS OPPOSED TO THE IMMEDIATE THING THAT  
13 WE'RE VOTING ON.

14 CHAIRMAN GALLAGHER: ARE YOU READY FOR THE  
15 QUESTION? ALL THOSE IN FAVOR SAY AYE TO GRANTING A  
16 WAIVER, 14CCR17682. OPPOSED?

17 BOARD MEMBER BEAUTROW: NO.

18 BOARD MEMBER BREMBERG: NO.

19 CHAIRMAN GALLAGHER: AYES HAVE IT. IT'S  
20 CARRIED; SO ORDERED.

21 WE WILL NOW RECESS FOR AT LEAST TEN MINUTES  
22 AND THEN WE WILL HEAR ITEM 6.

23 I WANT TO TELL YOU THAT BEFORE YOU GET UP  
24 AND RUN OUT THE DOOR, WE ARE GOING TO DO WHAT WE SAID  
25 EARLIER THIS MORNING, AND THAT IS GO INTO CLOSED SESSION.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 WE'RE ALREADY A HALF-HOUR BEHIND SCHEDULE BECAUSE OF THIS  
2 LAST ITEM. SO I WANT ALL YOU PEOPLE FROM CONTRA COSTA  
3 COUNTY TO GET YOUR DUCKS IN A ROW BECAUSE I'M GOING TO  
4 SHUT YOU OFF AT A PARTICULAR POINT IN TIME.

5 (A BREAK WAS TAKEN.)

6 CHAIRMAN GALLAGHER: BRING THE MEETING BACK TO  
7 ORDER, PLEASE.

8 WE'RE GOING TO MOVE TO ITEM NO. 6, WHICH IS  
9 A STATUS OF COUNTY SOLID WASTE MANAGEMENT PLANS. AND  
10 IMMEDIATELY AFTER WE HAVE BEEN GIVEN THE STATUS, A NUMBER  
11 OF PEOPLE FROM CONTRA COSTA COUNTY HAVE ASKED TO ADDRESS  
12 THIS BOARD. AND THEN WE'RE GOING TO ADJOURN, ABSOLUTELY,  
13 AT 4 O'CLOCK FOR A CLOSED SESSION TO DISCUSS SOME VERY  
14 IMPORTANT LITIGATION.

15 I WANT TO REMIND THE PEOPLE FROM CONTRA  
16 COSTA COUNTY THAT THEY HAVE HAD SEVERAL OPPORTUNITIES TO  
17 TESTIFY BEFORE THIS BOARD. I HOPE YOU WILL BEAR THAT IN  
18 MIND AND TRY TO ELIMINATE THE REDUNDANCY IN WHAT IT IS  
19 YOU'RE GOING TO SAY SO THAT I WILL NOT HAVE TO BE RUDE  
20 AND JUST SAY, "SORRY, I HAVE TO CUT YOU OFF." THAT'S  
21 WHAT'S GOING TO HAPPEN AT 4 O'CLOCK.

22 SO NOW, WITH THAT, LET'S MOVE TO ITEM 6.

23 MR. OLDALL: YES, MR. CHAIRMAN, AS YOU SO  
24 CORRECTLY POINTED OUT, THIS IS THE REGULAR STATUS OF  
25 COUNTY SOLID WASTE MANAGEMENT PLANS ITEM THAT WE PRESENT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 EACH MONTH TO THE BOARD, USUALLY BY MR. GEORGE LARSON,  
2 WHO THIS WEEK IS OUT PROTECTING THE COUNTRY IN THE  
3 NATIONAL GUARD. SO MOST ABLY HE WILL BE SUBSTITUTED ON  
4 BY MR. JOHN SMITH FROM THE LOCAL PLANNING DIVISION.  
5 JOHN.

6 MR. SMITH: YES. MR. CHAIRMAN, AND BOARD  
7 MEMBERS, I'D LIKE TO GO THROUGH THIS ITEM SECTION BY  
8 SECTION. THE FIRST SECTION OF THE ITEM, BEGINNING ON  
9 PAGE 169, DEALS WITH THE COUNTY SOLID WASTE MANAGEMENT  
10 PLANS THAT ARE NOW CURRENT.

11 ON THAT LIST THERE IS, HOWEVER, ONE COUNTY  
12 THAT HAS NOT YET SUBMITTED THEIR PLAN REVIEW REPORT.  
13 THAT IS BUTTE COUNTY. THEY HAVE PREPARED A DRAFT, AND  
14 THEY SHOULD HAVE IT TO US BY THE 20TH OF FEBRUARY.

15 ALSO, IN RECENT COMMUNICATION WITH ORANGE  
16 COUNTY, WHO ALL ALONG HAD SAID THAT THEY WERE GOING TO  
17 MEET THE 270-DAY TIME LIMIT, HAVE INDICATED THAT THEY MAY  
18 NOT BE ABLE TO MEET THEIR FEBRUARY 7TH DUE DATE FOR THEIR  
19 PLAN REVISION. STAFF IS WORKING CLOSELY WITH ORANGE  
20 COUNTY TO SEE THAT THEY DO GET IT IN ON TIME. IF THEY  
21 DON'T, THEN WE WILL SEND THE LETTER REFERRING THEM TO THE  
22 AG.

23 TURNING TO THE NEXT SECTION ON PAGE 171,  
24 RECENTLY SUTTER-YUBA COUNTY SOLID WASTE MANAGEMENT PLAN,  
25 WHICH WAS SUBMITTED ON TIME, WILL BE CONSIDERED AT

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*

1 TOMORROW'S BOARD MEETING.

2 CONCERNING THE PARTIALLY -- THE ONE  
3 PARTIALLY APPROVED PLAN, SACRAMENTO, I JUST TALKED WITH  
4 SACRAMENTO COUNTY. ALL THE CITIES HAVE APPROVED THEIR  
5 RESUBMITTED PLAN REVISION. THE COUNTY IS SCHEDULED TO  
6 HEAR IT ON THE 7TH OF FEBRUARY. SO WE SHOULD HAVE IT BY  
7 THE 8TH OF FEBRUARY, AHEAD OF THE 120-DAY TIME LIMIT.

8 RIGHT NOW THERE ARE FIVE DELINQUENT  
9 COSWMPs. HUMBOLDT AND SISKIYOU COUNTY HAVE BEEN  
10 SUBMITTED. THOSE ARE BEING REVIEWED NOW AND SCHEDULED  
11 FOR THE FEBRUARY BOARD MEETING.

12 THERE ARE -- UNDER DELINQUENT COUNTIES THAT  
13 HAVE NOT SUBMITTED THEIR PLAN REVISIONS INCLUDE DEL  
14 NORTE, SAN MATEO, AND CONTRA COSTA.

15 DEL NORTE COUNTY, WHO WE ARE IN THE PROCESS  
16 OF REFERRING TO THE AG, ARE HAVING DIFFICULTY IDENTIFYING  
17 FUTURE DISPOSAL CAPACITY IN THEIR PLAN. THAT PROBABLY  
18 WILL DELAY THE SUBMITTAL OF THAT PLAN REVISION.

19 CURRENTLY, RIGHT NOW THERE'S ONLY ONE SITE  
20 IN THE COUNTY. THAT SITE HAS HAD PROBLEMS WITH IT. IF  
21 THEY CAN CORRECT THE PROBLEMS WITH THAT SITE, THEY SHOULD  
22 HAVE MORE THAN THE EIGHT YEARS. IF THEY HAVE TO GO WITH  
23 ALTERNATE SITES, THEN THOSE ALTERNATE SITES WILL HAVE TO  
24 BE DESIGNATED BOTH IN THE GENERAL PLAN AND THE COUNTY  
25 PLAN.

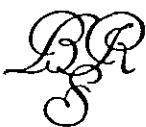
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1                   CONCERNING SAN MATEO, WE HAVE HAD RECENT  
2                   CORRESPONDENCE WITH SAN MATEO COUNTY. THEY HAVE  
3                   SUBMITTED THEIR -- THEY HAVE GIVEN US A COPY OF THE FINAL  
4                   PLAN REVISION WHICH THEY SENT OUT TO THE CITIES A COUPLE  
5                   OF WEEKS AGO. THEY SAY THAT THEY'RE INTENDING UPON  
6                   SUBMITTING A LOCALLY APPROVED COSWMP BY THE END OF  
7                   FEBRUARY. SO WE'LL BE LOOKING TO SEE THAT COME. IN THE  
8                   MEANTIME WE ARE IN THE PROCESS OF REFERRING TO THE AG.

9                   CONCERNING THE LATEST ON CONTRA COSTA, I'D  
10                  LIKE TO DEFER THAT TO CHIEF COUNSEL, BOB CONHEIM.

11                  ATTORNEY CONHEIM: MR. CHAIRMAN, BOARD MEMBERS,  
12                  CONTRA COSTA COUNTY STAFF, BOARD STAFF, AND THE ATTORNEY  
13                  GENERAL HAVE BEEN PREPARING AND REVIEWING AND COMMENTING  
14                  ON SEVERAL ITERATIONS OF THEIR PROPOSED ACTION PLAN THAT  
15                  SHOULD RESULT IN A COSWMP.

16                  WE ARE AT A POINT NOW WHERE THE COUNTY HAS  
17                  BEGUN TO IMPLEMENT THAT PLAN BASED ON BOARD AND THE  
18                  ATTORNEY GENERAL'S COMMENTS. THE SUBJECT OF THE CLOSED  
19                  SESSION, I'M REQUIRED BY LAW TO PUT ON THE RECORD ALSO,  
20                  WILL BE TO DISCUSS THE POTENTIAL LITIGATION AGAINST  
21                  CONTRA COSTA COUNTY WITH REGARD TO THEIR DELINQUENT  
22                  COSWMP.

23                  AND IT'S MY UNDERSTANDING THAT, ALTHOUGH  
24                  THERE APPEAR TO BE A BATALLION OF PEOPLE FROM CONTRA  
25                  COSTA COUNTY HERE, THAT WHILE THERE ARE SOME PEOPLE WHO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES   ORANGE COUNTY   SAN DIEGO  
213-622-8511   714-953-4447   619-455-1997



*barristers'*  
*reporting service*

1 WANT TO SPEAK, IT'S MY UNDERSTANDING THAT MOST OF THE  
2 STAFF FROM CONTRA COSTA COUNTY IS HERE JUST TO BE  
3 ACCOUNTABLE TO YOU AND TO ANSWER QUESTIONS. SO THAT I  
4 DIDN'T WANT THERE TO BE A MISUNDERSTANDING THEY WANT TO  
5 TAKE A LOT OF TIME AND NEITHER WILL I.

6 THE CENTRAL POINT FOR PUBLIC DISCUSSION  
7 THAT I THINK WE NEED TO SHARE WITH YOU IS THAT AFTER  
8 MANY, MANY ITERATIONS AND MANY MEETINGS, WE ARE AT POINT  
9 WHERE WE FEEL THAT THE PROPOSAL THAT CONTRA COSTA COUNTY  
10 HAS IS TECHNICALLY DOABLE, AND WE'RE GOING TO DISCUSS  
11 THAT WITH YOU FURTHER IN THE CONTEXT OF THE PERMITTED  
12 SUBJECTS OF A CLOSED SESSION.

13 AND AT THIS POINT, I JUST WANT TO SAY THAT  
14 I THINK THERE HAS BEEN SOME PROGRESS. THERE STILL IS NO  
15 PLAN. AND THE REST THAT I THINK THAT WE HAVE TO DEFER TO  
16 CLOSED SESSION BECAUSE WE ARE RIGHT ON THE CUSP OF A  
17 LITIGATION DISCUSSION.

18 BUT THERE ARE PEOPLE FROM CONTRA COSTA  
19 COUNTY AND ALSO FROM THE CITY OF PITTSBURG WHO WISH TO  
20 SPEAK, AND YOU HAVE THE LIST UP THERE, BUT I KNOW THAT  
21 SUPERVISOR NANCY FADDEN HAS ARRANGED HER SCHEDULE TO BE  
22 HERE TODAY TO BE ACCOUNTABLE TO YOU AND TO TALK TO YOU,  
23 AS WELL AS THERE IS A -- THE MAYOR OF THE CITY OF  
24 PITTSBURG WANTS TO SPEAK TO YOU. SO WITHOUT FURTHER ADO,  
25 I'LL LET THEM LINE UP AND WILL LET YOU CALL THOSE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 SPEAKERS.

2 CHAIRMAN GALLAGHER: DO YOU HAVE ANYTHING ELSE,  
3 JOHN?

4 MR. SMITH: NO, MR. CHAIRMAN.

5 CHAIRMAN GALLAGHER: I'M GOING TO TAKE A  
6 CHAIRMAN'S PREROGATIVE. THERE IS THE MAYOR OF PITTSBURG,  
7 MS. NANCY PARENT. WE HAVE NOT HEARD FROM HER BEFORE AS  
8 FAR AS I KNOW. I'D LIKE TO GIVE YOU AN OPPORTUNITY TO  
9 EXPRESS YOUR THOUGHTS, PLEASE.

10 MAYOR PARENT: THANK YOU, MR. CHAIRMAN, MEMBERS  
11 OF THE BOARD. PITTSBURG HAS NOT BEEN HERE BEFORE  
12 BECAUSE, ALTHOUGH WE HAVE BEEN SEVERELY IMPACTED BY THE  
13 PROPOSALS IN CONTRA COSTA COUNTY, WE HAVE BEEN DOING  
14 EVERYTHING THAT WE CAN TO FIND SITES THAT MIGHT BE  
15 ACCEPTABLE. AND WE HAVE BEEN CAREFULLY AND AT GREAT  
16 EXPENSE MONITORING THE PROCESSES USED BY THE COUNTY IN  
17 LOCATING SITES.

18 AND I CAN TELL YOU THAT I HAVE SPENT 18  
19 MONTHS DOING THIS, AND I HAVE BEEN A MEMBER OF THE COUNTY  
20 SOLID WASTE COMMISSION. I AM THE DIRECTOR OF A  
21 SANITATION DISTRICT THAT HAS SPENT 18 MONTHS AND \$150,000  
22 INVESTIGATING SITES IN CONTRA COSTA COUNTY. I SERVED A  
23 YEAR AND A HALF WITH MRS. FADDEN AND ABOUT 25 OTHER  
24 PEOPLE ON A BLUE RIBBON TASK FORCE LOOKING AT ALTERNATE  
25 SITES; AND, ADDITIONALLY, OUR STAFF HAS SPENT A GREAT

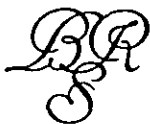
BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*Barristers'*  
*reporting service*




1 DEAL OF TIME.

2 WE ARE HERE TODAY BECAUSE, LIKE YOU, WE ARE  
3 CONCERNED ABOUT THE PROCESS THAT CONTRA COSTA HAS GONE  
4 THROUGH. AND IT IS NOT A CONCERN THAT IS LIMITED TO  
5 PITTSBURG; BUT, OF COURSE, THE IMPACT'S ON US BECAUSE  
6 THREE OUT OF THE FIVE PROPOSED SITES ARE IMMEDIATELY  
7 ADJACENT TO OUR CITY, BEING ANYWHERE FROM A QUARTER OF A  
8 MILE TO 300 YARDS FROM OUR CITY LIMITS, IS MORE SEVERE  
9 THAN PERHAPS SOME OTHER CITIES.

10 YOU HAVE SEEN IN PAGES 172 TO 174 THE  
11 PROCESS THAT YOU HAVE GONE THROUGH TO MONITOR WHAT CONTRA  
12 COSTA HAS AND WHAT CONTRA COSTA HAS NOT DONE, AND WE HAVE  
13 MONITORED THAT AS WELL. AND AT THIS POINT, I CAN TELL  
14 YOU THAT MY CITY CANNOT DESCRIBE TO YOU ACCURATELY ANY OF  
15 THE PROJECTS THAT WOULD BE PROPOSED TO BE PUT INTO A  
16 COSWMP.

17 PARTICULARLY, THE ONE THAT THE BOARD OF  
18 SUPERVISORS HAS SINGLED OUT AS ITS PET PROJECT, THERE ARE  
19 AT LEAST THREE DIFFERENT DEFINITIONS OF IT THAT I CAN  
20 TELL FROM THE PRESS HAVE EXISTED OR FROM PEOPLE WHO ARE  
21 INVOLVED IN MAKING PROPOSALS TO THE BOARD OF SUPERVISORS.  
22 SO WE HAVE NO WAY OF KNOWING.

23 AND WHEN IT COMES TO THE NEW PROCEDURES  
24 THAT SEEM TO CHANGE DAILY, AND YESTERDAY I WAS AT A  
25 MEETING WITH ALAMEDA COUNTY. BY THE WAY, I'M ALSO THE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 REPRESENTATIVE OF THE MAYORS' CONFERENCE FOR THE EXPORT.  
2 WE GOT EVEN A DIFFERENT TIMELINE. SO EVERY TIME I GO TO  
3 A MEETING, I GET A DIFFERENT TIMELINE OF WHAT THE COUNTY  
4 IS GOING TO DO. AND THIS IS OUR CONCERN, THAT THE COUNTY  
5 HAS, OVER THE PERIOD OF TIME THAT YOU HAVE BEEN AFTER  
6 THEM TO DO A COSWMP, TRIED A NUMBER OF DIFFERENT WAYS TO  
7 GET IT DONE, MOST OF WHICH HAVE BEEN FLAWED PROCEDURALLY.

8 THEY HAVE NOW DECIDED THAT THE WAY TO GET  
9 AROUND SOME OF THESE THINGS OR TO SPEED IT UP IS TO  
10 TRANSFER THINGS FROM DIRECT PUBLIC HEARINGS BY THE  
11 PLANNING COMMISSION, THEY'RE BEING TRANSFERRED TO THE  
12 ZONING ADMINISTRATOR. AS FAR AS I KNOW, THESE KINDS OF  
13 DECISIONS HAVE NEVER BEEN HEARD BEFORE THE ZONING  
14 ADMINISTRATOR BEFORE OR THEY WOULD HAVE USED IT.

15 BUT NOW, ALL OF A SUDDEN, THAT'S WHAT'S  
16 GOING TO HAPPEN. AND WE ARE CONCERNED ABOUT THE PUBLIC  
17 PROCESS BECAUSE, WHILE YOU MAY BE CONCERNED THAT THEY  
18 DON'T HAVE A COSWMP, WE ARE CONCERNED THAT WHATEVER  
19 DECISION IS MADE, THAT DECISION IS GOING TO AFFECT CONTRA  
20 COSTA COUNTY FOR FIFTY OR A HUNDRED YEARS. AND THAT WILL  
21 BE LONG AFTER YOU AND I ARE OFF OUR BOARDS AND OUR CITY  
22 COUNCILS.

23 AND THOSE KINDS OF LONG-RANGE IMPACTS HAVE  
24 TO GO THROUGH THE PROCESSES THAT YOU HAVE OUTLINED FROM  
25 MEETING YOUR CRITERIA, THAT CEQA HAS OUTLINED BY THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1       LEGISLATURE FOR MEETING APPROPRIATE DECISION MAKING.   AND  
2       WE ARE CONCERNED THAT UNLESS YOUR BOARD MAKES IT VERY  
3       CLEAR ONE WAY OR ANOTHER, WHETHER THAT'S THROUGH SEEKING  
4       A COURT ORDER THAT'S GOING TO MONITOR THEM OR GIVE YOU  
5       THE POWER TO MONITOR THEM CLOSELY OR SOME OTHER  
6       MECHANISM, AND PROBABLY AT THIS POINT YOUR CLOSE  
7       SUPERVISION IS THE ONLY THING THAT WILL GET IT DONE  
8       RIGHT, THAT UNLESS THOSE THINGS HAPPEN, WE WILL HAVE A  
9       DECISION THAT IS FLAWED, A PROCESS THAT IS FLAWED.   AND  
10      THAT WE WILL END UP STILL WITH NO PLAN BECAUSE IT WILL  
11      END UP IN LATER LITIGATION.

12               THERE IS NO -- THE CURRENT PLAN IS TO  
13      COMBINE AN EIR FOR A GENERAL PLAN AMENDMENT WITH AN EIR  
14      FOR COSWMP.   I HAVE NEVER HEARD OF THAT BEFORE.   I'M SURE  
15      THEY'VE GOT SOME OPINION FROM SOME ATTORNEY SOMEWHERE  
16      THAT THAT CAN BE DONE; BUT WHEN WE DON'T KNOW WHAT THE --  
17      WHAT THE PROJECT IS FOR KELLER BAILEY, WE DON'T  
18      UNDERSTAND HOW A GENERAL PLAN AMENDMENT EIR CAN BE DONE  
19      SIMULTANEOUSLY WITH A COSWMP.

20               THE THING JUST GETS MORE MUDDLED AND  
21      MUDDLED EVERY TIME.   IT IS BECOMING INCREASINGLY  
22      DIFFICULT FOR THE GENERAL PUBLIC TO FOLLOW IT.   AND  
23      BELIEVE ME, WHEN THIS ISSUE COMES UP BEFORE OUR PLANNING  
24      COMMISSION IN OUR COUNTY, WE GENERALLY HAVE 250 TO 300  
25      PEOPLE TURN OUT.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*

1                   SO IT'S OUR CONCERN AND OUR REQUEST TO YOU  
2           THAT YOU USE YOUR BEST EFFORTS TO SEE TO IT THAT THE  
3           PROCESS THAT IS USED BY CONTRA COSTA COUNTY IN MEETING  
4           YOUR REQUIREMENTS IS NOT PROCEDURALLY FLAWED SO THAT WE  
5           CAN ULTIMATELY HAVE A LANDFILL SITE IN CONTRA COSTA  
6           COUNTY THAT WILL MEET ALL THE CRITERIA FOR SITING AS WELL  
7           AS YOUR CRITERIA FOR OPERATIONS AND MAINTENANCE OF IT.

8                   CHAIRMAN GALLAGHER: THANK YOU, MS. PARENT. ANY  
9           QUESTIONS OF MS. PARENT?

10                  BOARD MEMBER BEAUTROW: VERY WELL PUT.

11                  BOARD MEMBER ARAKALIAN: VERY WELL SAID.

12                  BOARD MEMBER BROWN: I DISAGREE. AND I'M NOT  
13           NECESSARILY IMPRESSED WITH YOU BRINGING YOUR LAUNDRY HERE  
14           WITH RESPECT TO AN INTERCITY AND COUNTY PROBLEM, AND I  
15           DON'T THINK MOST OF YOUR REMARKS WERE VERY RELEVANT TO  
16           WHAT THIS BOARD DOES.

17                   AND THE FACT THAT YOU ARE SEVERELY IMPACTED  
18           DOESN'T REALLY LEAVE ME WITH ANY SPECIFICS WITH RESPECT  
19           TO THE PROPOSED LANDFILL, 300 YARDS AND MAYBE THE  
20           BOUNDARY, BUT I'M NOT SO SURE THAT THAT'S KNOWN AS THE  
21           WORKING AREA OF THE PROPOSAL.

22                  MAYOR PARENT: WELL, I'M SORRY. PART OF THE  
23           PROBLEM IS THAT WE DON'T SEE THE PROPOSALS BEFORE THEY  
24           GET STARTED IN THE PROCESS. AND YOU WILL SEE IN THE  
25           LETTER THAT COMES FROM MR. BRAGDON, IN THE THIRD FROM THE



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES   ORANGE COUNTY   SAN DIEGO  
213-622-8511   714-953-4447   619-455-1997

*barristers'*  
*reporting service*

1 LAST PARAGRAPH, THAT HE ACKNOWLEDGES THAT THERE ARE BASIC  
2 QUESTIONS OF ACCESS, WATER SUPPLY, SOURCE OF COVER,  
3 MATERIAL DESIGN, AS WELL AS QUESTIONS REGARDING THE USE  
4 OF THE NAVY'S EXPLOSIVE SAFETY EASEMENTS IN CONFORMANCE  
5 WITH THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT'S  
6 HEALTH RISK ASSESSMENT. ALL OF THOSE THINGS ARE IMPACTS  
7 ULTIMATELY TO MY CITY.

8 BOARD MEMBER BROWN: ONE THING I CAN ASSURE YOU  
9 IS THAT THIS BOARD AND ITS STAFF IS PROGRESSING ALONG THE  
10 PRESCRIBED PATH WITH RESPECT TO HOW CONTRA COSTA COUNTY  
11 IS MOVING. I SUSPECT THERE IS NO ONE IN THIS ROOM THAT  
12 WOULD DISAGREE WITH THE FACT THAT THIS BOARD AND ITS  
13 STAFF HAS BEEN PURSUING CONTRA COSTA COUNTY IN A RATHER  
14 VIGOROUS WAY, AND YOU CAN BE ASSURED THAT THEY WILL HAVE  
15 TO FOLLOW THE PRESCRIBED LAW IN ORDER TO GET THEIR COSWMP  
16 APPROVED.

17 WITH RESPECT TO THE ISSUES BETWEEN  
18 PITTSBURG AND THE COUNTY, I SUSPECT THOSE BELONG IN THE  
19 COUNTY OF CONTRA COSTA, IF NOT IN THE COUNCIL CHAMBERS OF  
20 THE CITY OF PITTSBURG.

21 CHAIRMAN GALLAGHER: THANK YOU. MR. TOM STUART.

22 MR. STUART, WILL YOU PLEASE KEEP YOUR  
23 REMARKS AS BRIEF AS POSSIBLE?

24 MR. STUART: YES, I SHALL DO THAT. MY NAME IS  
25 TOM STUART. I REPRESENT ONE OF THE LANDFILL PROPONENTS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 IN CONTRA COSTA COUNTY, LAND WASTE MANAGEMENT, THE  
2 PROPONENT OF THE KIRKER PASS SITE.

3 I WOULD LIKE TO PROVIDE YOUR BOARD WITH  
4 SOME INFORMATION, THAT PART OF WHICH WE SUBMITTED  
5 EARLIER, BUT A LETTER THAT I DRAFTED FOR YOUR BOARD.

6 PLEASE FORGIVE MY ATTIRE. WHEN I LEARNED  
7 OF THE MEETING SCHEDULE CHANGE, I WAS HEADING OUT TO A  
8 SUPER FUND SITE, AND I DON'T USUALLY WEAR A SUIT AND TIE  
9 TO SUPER FUND SITE.

10 I WOULD LIKE TO ADD A LITTLE BIT TO, I  
11 HOPE, YOUR UNDERSTANDING OF THE SITUATION AND GIVE YOU A  
12 SLIGHTLY DIFFERENT PERSPECTIVE ON THE COUNTY SOLID WASTE  
13 MANAGEMENT PLAN AND ITS ACCEPTABILITY TO THE CALIFORNIA  
14 WASTE MANAGEMENT BOARD, AND TO ENTER THIS INFORMATION  
15 INTO THE RECORD.

16 WHAT I WOULD LIKE TO DISCUSS SPECIFICALLY  
17 IS THE CHANGE IN PROCESS THAT IS BEING PROPOSED BY THE  
18 COUNTY BECAUSE I THINK THAT THERE ARE SOME FUNDAMENTAL  
19 CONCERNS IN ITS APPLICATION AND IN ITS ACCEPTABILITY,  
20 ULTIMATELY. AND AS THIS BOARD IS, OF COURSE, AWARE,  
21 ULTIMATELY, IT'S THE APPROVAL OF A COUNTY SOLID WASTE  
22 MANAGEMENT PLAN THAT PROVIDES REASONABLE LANDFILL SITES  
23 THAT WILL JUSTIFY ITS ACCEPTABILITY TO THIS BOARD.

24 ONE OF THE THINGS THAT THE COUNTY HAS  
25 RECOMMENDED IS A TWO-TIERED PROCESS FOR THE PROCESSING OF

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*barristers'*  
*reporting service*

1 THE GENERAL PLAN AMENDMENT AND FOR THE COSWMP. WHILE AS  
2 MAYOR PARENT SAID, THIS IS AN NOVEL APPROACH, WE ARE  
3 CONCERNED THAT THIS BIFURCATION OR SEPARATION MAY, IN  
4 FACT, RESULT IN THE PROJECT ITSELF -- THE IMPACTS OF THE  
5 PROJECT ITSELF NOT BEING FULLY DISCLOSED EARLIER ON AND  
6 THE FACT THAT, IN THE MORE CURSORY GENERAL PLAN AMENDMENT  
7 EIR REVIEW, THAT THE MAJOR ISSUES WILL NOT, IN FACT, BE  
8 COMPLETELY ADDRESSED, AND IT COULD LEAD TO EITHER  
9 SIGNIFICANT DELAYS OR THE ULTIMATE LACK OF APPROVAL.

10 WE ALSO DO NOT BELIEVE THAT THE COUNTY'S  
11 ACTION IN PREAPPROVING THE BAILEY KELLER OR CENTRAL  
12 LANDFILL OR SUPER SITE OR SUPER CENTRAL LANDFILL SITE OR  
13 WHATEVER ITS VARIOUS PURMUTATIONS ARE, THAT THIS IS A --  
14 THAT THIS IS AN APPROPRIATE DESIGNATION.

15 FIRST OF ALL, IT MUST PASS RIGOROUS TESTS  
16 AND JUST THE SANCTION OF THREE MEMBERS OF THE BOARD IS  
17 NOT SUFFICIENT. I WOULD LIKE TO SPEAK TO YOU FROM  
18 PERSONAL KNOWLEDGE ON THAT IN THAT ON NOVEMBER 30, 1987,  
19 WE HAD THE INTENT VOTED UPON BY THE THREE MEMBERS OF THE  
20 BOARD OF SUPERVISORS TO APPROVE OUR SITE; AND FOLLOWING  
21 AN ALLEGED CONFLICT OF INTEREST, WE ARE STILL WAITING FOR  
22 A RESOLUTION OF THAT MATTER.

23 THE NEXT POINT I'D LIKE TO MAKE IS THAT THE  
24 SCHEDULE THAT IS BEING PRESENTED TO YOU WITH SUCH ASPECTS  
25 AS CONCURRENT MEETINGS AND THE CHANGE TO THE ZONING

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 ADMINISTRATOR HEARING THE EIR AND SUCH OTHER CHANGES AS  
2 CAN BE DISCUSSED BY YOUR STAFF OR THE COUNTY ARE NOT  
3 APPROPRIATE IN TERMS OF THE TIME NEEDED TO PROCESS A  
4 LANDFILL APPLICATION.

5 WE SUBMITTED OUR INITIAL APPLICATION TO THE  
6 COUNTY IN NOVEMBER OF 19- -- ACTUALLY IN MAY OF 1984 AND  
7 RESUBMITTED IT IN NOVEMBER OF 1984. SO I THINK THAT THE  
8 SCHEDULE THAT IS BEING PRESENTED TO YOU BOTH IS FLAWED  
9 BECAUSE IT IS UNREALISTIC, BUT ALSO IS FLAWED BECAUSE IT  
10 ATTEMPTS TO DO SOMETHING THAT, WHILE IT MAY PROVIDE  
11 IMMEDIATE COMPLIANCE, DOESN'T ARRIVE AT A LANDFILL SITE.

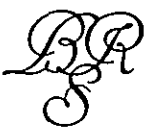
12 THE FINAL POINT IS ONE OF EQUITY. AND ONE  
13 OF THE THINGS THAT WAS TOLD TO US BY THE BOARD OF  
14 SUPERVISORS THROUGHOUT THE PROCESS IS THAT NO LANDFILL  
15 SITE WOULD BE APPROVED IN CONTRA COSTA COUNTY WITHOUT  
16 FULL AND COMPLETE ENVIRONMENTAL DISCLOSURE, INCLUDING THE  
17 PROCESSING OF AN ENVIRONMENTAL IMPACT REPORT.

18 WHAT WE ARE SEEING NOW IS A DEVIATION FROM  
19 THAT SCHEDULE AND THAT PROCEDURE IN ORDER TO RESPOND TO A  
20 CRISIS; BUT, UNFORTUNATELY, WITH THE DELAYS THAT HAVE  
21 OCCURRED IN THE PAST WITH THE DEGREE OF VOLUBILITY  
22 SURROUNDING THE SITING OF A LANDFILL, I DO NOT BELIEVE  
23 THAT THE PROCESS THAT THEY ARE PROPOSING TO YOU WILL  
24 RESULT IN THE SELECTION OF A LANDFILL SITE, BUT JUST IN  
25 MORE CONTROVERSY. THANK YOU.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



*barristers  
reporting service*



1 BOARD MEMBER BROWN: MR. CHAIRMAN.

2 CHAIRMAN GALLAGHER: YES, MR. BROWN.

3 BOARD MEMBER BROWN: CORRECT ME IF I'M WRONG. I  
4 JUST HAVE ONE QUESTION. YOU REPRESENT KIRKER PASS.

5 MR. STUART: CORRECT. ONE OF THE PROPOSED  
6 LANDFILL SITES IN THE COUNTY.

7 BOARD MEMBER BROWN: BUT NOT THE SITE THAT WAS  
8 SELECTED?

9 MR. STUART: CORRECT.

10 BOARD MEMBER BROWN: THANK YOU.

11 CHAIRMAN GALLAGHER: ANY OTHER QUESTIONS OF MR.  
12 STUART? OTHER THAN THE HONORABLE NANCY FADDEN, I DON'T  
13 HAVE ANOTHER NAME. ARE YOU READY TO GO?

14 MS. FADDEN: YES. YES, I AM, MR. CHAIR. THANK  
15 YOU VERY MUCH FOR HEARING ME AGAIN. I PROMISED YOU I  
16 WILL TRY NOT TO BE REDUNDANT AND VERY QUICK, AS I KNOW  
17 YOU ARE GOING TO CHOP OFF IF I'M NOT.

18 THE HONORABLE MAYOR, NANCY PARENT, WE BOTH  
19 HAVE THE SAME NAMES. WE ARE BOTH A COUPLE OF NANCYS, BUT  
20 THE SIMILARITY ENDS THERE. SHE'S AN ATTORNEY AND I'M  
21 NOT. SO I TRY TO DO THE BEST I CAN IN MY HUMBLE WAY.

22 FIRST OF ALL, I WANT YOU TO KNOW THAT  
23 SUPERVISOR MCPEEK SENDS HER APOLOGIES. SHE COULDN'T BE  
24 HERE TODAY. SHE HAD A TRANSPORTATION HEARING WITH ONE OF  
25 OUR CONGRESSMEN AND -- BUT I DID TELL YOU THE LAST TIME I



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES 213-622-8511    ORANGE COUNTY 714-953-4447    SAN DIEGO 619-455-1997

*barristers'*  
*reporting service*

1 WAS HERE, I PROMISED YOU, THAT SHE WAS GOING TO VOTE.  
2 AND, REMEMBER, SHE DID. WE CAME UP WITH THREE VOTES FOR  
3 OUR LANDFILL SITE, WHICH WE ARE TRYING TO PROCEED UPON AS  
4 QUICKLY AS POSSIBLE.

5 NOW, THE HONORABLE MAYOR NANCY PARENT TALKS  
6 ABOUT THE IMPACT IN PITTSBURG. I WANT YOU ALL TO REALIZE  
7 THE TRANSFER STATION IS STILL IN MARTINEZ, IN MY  
8 DISTRICT. THAT MEANS THAT EVERY TRUCK THAT'S CARRYING  
9 GARBAGE IS STILL COMING TO MARTINEZ, MY DISTRICT. AND  
10 ONE OF YOU CALLED ME GUTSY, AND I HAVE TAKEN THE HEAT.  
11 I'VE GONE TO MY PEOPLE IN MARTINEZ AND SAID WE'RE GOING  
12 TO HAVE A TRANSFER STATION HERE AND WE HAVE. IT WENT  
13 THROUGH ALL THE PROCESS, THE EIR HEARINGS, AND THE WHOLE  
14 BIT WITHOUT A LOT OF HOOPLA AND EVERYTHING AND WE GOT IT.  
15 WE GOT IT SITED. AND I TOLD YOU THAT THE LAST TIME.

16 WE ALSO GOT OUT OF THE HAULERS \$100,000  
17 WITH WHICH TO START THE RECYCLING PROGRAM AS A CONDITION  
18 OF THAT PERMIT FOR THE TRANSFER STATION. WE NOW HAVE IN  
19 PLACE A VERY COMPREHENSIVE RECYCLING PLAN, WHICH WE  
20 PRESENTED TO ALAMEDA COUNTY YESTERDAY, AS I ALSO SIT ON  
21 THE EXPORT/IMPORT COMMITTEE.

22 SO, AGAIN, WHEN PITTSBURG SAYS THEY'RE  
23 BEING IMPACTED, I WANT YOU TO UNDERSTAND THAT IT'S NOT  
24 EVEN IN THEIR SPHERE OF INFLUENCE. IT'S IN THE  
25 UNINCORPORATED AREA OF CONTRA COSTA COUNTY. IF ANYBODY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



*Harristers'*  
*reporting service*

1 IS IMPACTED, IT IS STILL MARTINEZ GETTING ALL OF THOSE  
2 TRUCKS GOING TO THE TRANSFER STATION BECAUSE EVERY  
3 TRUCKLOAD OF GARBAGE, IF IT GOES TO KELLER BAILEY, IF  
4 THAT'S THE ONE THAT FINALLY MAKES IT, WILL BE IN THE  
5 TRANSFER VANS.

6 YOU ARE NOT GOING TO SEE THEM; YOU'RE NOT  
7 GOING TO SMELL THEM; YOU'RE NOT GOING TO HEAR THEM. THE  
8 ONLY PEOPLE BEING IMPACTED ARE THE POLITICIANS IN  
9 PITTSBURG THAT ARE SAYING WE DON'T WANT IT IN OUR BACK  
10 YARD. AND IT'S NOT IN THEIR BACK YARD. AND I HAVE BEEN  
11 TRYING TO WORK VERY HARD WITH EVERYONE IN PITTSBURG TO  
12 GET THEM TO UNDERSTAND THAT WE'RE NOT GOING TO IMPOSE  
13 UPON THEM SOMETHING THAT IS ENVIRONMENTALLY UNSOUND.

14 NOW, THE QUESTION OF THE PLANNING  
15 COMMISSIONERS, WE, THE BOARD OF SUPERVISORS, SAID --  
16 TRIED TO GET THE PROCESS STARTED FOR THE GENERAL PLAN  
17 AMENDMENT AND SEND IT TO THE PLANNING COMMISSION. WELL,  
18 IT JUST HAPPENED THAT THE HAULERS OR THE PROPONENTS HAVE  
19 MADE IT A PRACTICE TO TAPE EVERY BOARD MEETING. ANYTHING  
20 THAT HAS TO DO WITH GARBAGE, THEY SEND SOMEBODY WITH A  
21 HOME VIDEO. AND HE WAS DOING HIS THING, AND THE NEXT  
22 MORNING THEY WERE PLAYING BACK THE TAPE. AND ONE OF THEM  
23 NEARLY DROPPED HIS CUP OF COFFEE BECAUSE THERE ON THE  
24 TAPE WAS ONE COMMISSIONER SAYING TO THE COMMISSIONER  
25 SITTING BESIDE HER THAT SHE HAD WORKED ALL MORNING TO GET



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 THE FOUR VOTES NOT TO HEAR THIS.

2 WELL, THAT IS A VIOLATION OF THE BROWN ACT  
3 IN MY MIND AND TO THE PROPONENTS OF THE LANDFILL SITE.  
4 SO THE BOARD OF SUPERVISERS GOT A LITTLE BIT ANGRY, AS  
5 YOU CAN WELL UNDERSTAND, BECAUSE IT'S ON TAPE; IT'S IN  
6 LIVING COLOR. AND SHE IS SAYING IN LIVING COLOR ON TAPE  
7 THAT SHE WAS SPENT THE WHOLE MORNING GET THE FOUR VOTES  
8 NOT TO HEAR IT. AND THAT WAS, WE FELT, UNHEARD OF. THEY  
9 SHOULD HAVE HEARD IT; THEY DIDN'T DO IT.

10 SO WE, THE BOARD, DECIDED TO GET THIS, YOU  
11 KNOW, CHANGE THIS, AND THAT'S WHY WE'RE HAVING THE ZA  
12 HEAR IT AND HEARING THE ENVIRONMENTAL IMPACT REPORT, AND  
13 THE GP WILL HAVE TO GO BACK, AS YOU WELL UNDERSTAND, TO  
14 THE PLANNING COMMISSION WHEN THAT COMES BACK.

15 NOW, WE HAVE HERE TODAY -- AND I THINK IT  
16 HAS BEEN PRESENTED TO YOU FOR THE RECORD -- A LETTER FROM  
17 THE SIERRA CLUB IN STRONG SUPPORT OF WHAT THE BOARD OF  
18 SUPERVISORS IS DOING WITH ITS COSWMP. THEY SUPPORT THE  
19 ACTIONS, AND I'M NOT GOING TO READ THEM INTO THE RECORD.  
20 IF YOU DON'T HAVE IT -- DO YOU HAVE IT NOW? YOU DON'T  
21 HAVE IT? OKAY. CHUCK, CAN YOU HAND THOSE TO ME, PLEASE.

22 IT STARTS OUT THAT THE SIERRA CLUB  
23 SUPPORTS -- I'M NOT GOING TO DO THE WHOLE THING -- CONTRA  
24 COSTA COUNTY'S RECENT PROGRESS IN RESOLVING ITS SOLID  
25 WASTE DISPOSAL PLANNING DEFICIENCIES. WE BELIEVE THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997



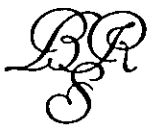
*Barristers'*  
*reporting service*

1 TIME SCHEDULE ADOPTED BY THE BOARD OF SUPERVISORS ON  
2 JANUARY 17TH FOR REVISION OF ITS COUNTY SOLID WASTE  
3 MANAGEMENT PLAN, COSWMP, AND AN AMENDMENT TO THE GENERAL  
4 PLAN AND LAND USE PERMIT FOR KELLER BAILEY AS A LONG-TERM  
5 LANDFILL SITE CAN BE MET. AND IT GOES ON AND EACH  
6 PARAGRAPH THEN SUPPORTS THAT CONCLUSION.

7 SO THEY HAVE BEEN WORKING VERY HARD WITH  
8 US, AND I WANT TO TELL YOU THAT YOU KNOW THAT, THEY WATCH  
9 EVERYTHING. AND IF THEY GIVE US THEIR OF APPROVAL, I,  
10 FRANKLY, CONSIDER THAT A COMPLIMENT TO HAVE THEIR BACKING  
11 ON THIS KELLER BAILEY SITE AND ON THE COSWMP AS THE WAY  
12 WE ARE PROGRESSING TODAY.

13 NOW, I TOLD YOU ABOUT THE RECYCLING  
14 EFFORTS. THEY'RE BIG. EVEN THE CITY OF PITTSBURG  
15 YESTERDAY ANNOUNCED -- THE MAYOR ANNOUNCED THAT BY  
16 NOVEMBER SHE IS GOING TO HAVE CURBSIDE RECYCLING IN  
17 PITTSBURG. AND I WANT TO COMMEND THEM FOR THAT. I THINK  
18 THAT'S TERRIFIC. AND THE CITIES ARE ALL COMING AROUND,  
19 AND EVERYBODY IS GETTING INTO THE ACT. AND WE'RE  
20 GOING -- I THINK WE'RE GOING TO EXCEED ALL OF YOUR  
21 EXPECTATIONS WHEN IT COMES TO RECYCLING. WE'RE GOING TO  
22 BEAT EVERYBODY. I THINK WE'RE ALMOST A HIT. I THINK  
23 WE'RE EVEN A LITTLE BIT AHEAD OF ALAMEDA COUNTY RIGHT  
24 NOW. THEY MIGHT WANT TO ARGUE, BUT ANYWAY.

25 NOW, WE'RE STILL CONTINUING TO WORK WITH



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

1 SOLANO COUNTY, TRYING TO GET AN EXPORT AGREEMENT.  
2 YESTERDAY WE WERE WITH ALAMEDA COUNTY. NOW, I CAN'T GIVE  
3 YOU DETAILS BECAUSE THEY HAVE SWORN US TO SECRECY. CLEM  
4 SHOOT, THEIR ATTORNEY, SAID, HOWEVER, WE CAN MEET WITHOUT  
5 HAVING THE PRESS THERE. SO THAT'S THE WAY WE'VE BEEN  
6 MEETING.

7 ALL I CAN SAY IS THAT THINGS ARE MOVING  
8 ALONG VERY FAVORABLY, AND I FEEL VERY COMFORTABLE THAT  
9 WE'RE COMING TO A GOOD SOLUTION WITH ALAMEDA COUNTY.  
10 BUT, REMEMBER, THEY CAN'T TAKE ALL OF OUR GARBAGE. AND  
11 THAT'S ONLY A PORTION OF IT. WE HAVE TO MAKE, YOU KNOW,  
12 EXPORT AGREEMENTS WITH SALONA COUNTY AND SO FORTH AND SO  
13 ON.

14 LASTLY, I WANTED TO SAY, THAT LITIGATION --  
15 WELL, IN MY MIND, WE ALL LOSE. WE HAVE BEEN TRYING TO  
16 WORK VERY CLOSELY WITH YOUR STAFF. I THINK THEY HAVE  
17 PROBABLY BEEN BUGGED TO DEATH NOW BY OUR STAFF. THEY  
18 CALL ALMOST EVERY DAY. AND WE HARDLY CROSS A "T" OR DOT  
19 AN "I" WITHOUT CALLING TO CONSULT WITH YOU TO FIND OUT IF  
20 WE'RE DOING THE RIGHT THING.

21 AND I'M CONFIDENT THAT WE CAN MEET THE  
22 SCHEDULE, BUT WE WANT YOUR GUIDANCE. WE WANT YOU TO WORK  
23 WITH US. BUT I THINK IF YOU LITIGATE -- YOU KNOW, ONE  
24 PUBLIC AGENCY SUING ANOTHER PUBLIC AGENCY, WE DON'T HAVE  
25 TO DO THAT IN THIS DAY AND AGE. I THINK WE CAN TALK TO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*Barristers'*  
*reporting service*

1 EACH OTHER AND WE CAN RESOLVE OUR PROBLEMS. WE CAN AGREE  
2 TO SCHEDULES. WE CAN HAVE THE SUPPORT OF THE SIERRA  
3 CLUB.

4 WE'VE GOT A LOT OF PEOPLE WATCHING US, I  
5 KNOW. AND I AM CONFIDENT THAT WHAT WE'RE DOING IS THE  
6 RIGHT THING. AND I PROMISED YOU ONCE BEFORE THAT I WOULD  
7 GET YOU A THIRD VOTE FOR A LANDFILL SITE AND WE DID. AND  
8 I WANT TO PROMISE TO YOU AGAIN, ONE MORE TIME TODAY, THAT  
9 WE'RE GOING TO LIVE UP TO OUR COSWMP SCHEDULE. AND --  
10 WELL, IF WE DON'T, I DON'T KNOW WHAT YOU CAN DO WITH ME,  
11 BUT I PROMISE YOU RIGHT NOW THAT WE WILL DO THAT. AND  
12 YOU KNOW ME BY THIS TIME, AND YOU KNOW I LIVE UP TO MY  
13 PROMISES. THANKS. DO YOU HAVE ANY QUESTIONS?

14 CHAIRMAN GALLAGHER: ANY QUESTIONS? THANK YOU.

15 BOARD MEMBER CALLOWAY: I STILL THINK YOU ARE A  
16 GUTSY LADY.

17 MS. FADDEN: THANKS. HE CALLED IT SOMETHING  
18 ELSE AND SOCIETY PREVENTS ME FROM REPEATING IT.

19 CHAIRMAN GALLAGHER: I WILL NOW ASK THE ROOM BE  
20 CLEARED FOR A CLOSED SESSION.

21  
22 (OPEN MEETING WAS THEN ADJOURNED TO CLOSED  
23 SESSION, WITH OPEN SESSION TO BE RECONVENED AT 9 A.M.  
24 JANUARY 27, 1989.)  
25



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220  
SANTA ANA, CALIFORNIA 92701

LOS ANGELES  
213-622-8511

ORANGE COUNTY  
714-953-4447

SAN DIEGO  
619-455-1997

*barristers'*  
*reporting service*

REPORTER'S CERTIFICATE

I, BETH C. DRAIN HEREBY CERTIFY THAT ON THE  
26TH OF JANUARY, 1989, I DID REPORT IN  
SHORTHAND THE TESTIMONY AND PROCEEDINGS OF THE FOREGOING  
HEARING;

THAT AT THE CONCLUSION OF THE ABOVE ENTITLED MATTER, I  
DID TRANSCRIBE MY SHORTHAND NOTES INTO TYPEWRITING, AND THAT  
THE FOREGOING TRANSCRIPT IS A TRUE AND CORRECT RECORD OF MY  
SHORTHAND NOTES THEREOF.

Beth C. Drain

CERTIFIED SHORTHAND REPORTER

CERTIFICATE NUMBER 7152

